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ABSTRACT

The idea that women and gay people must "do it themselves" forms the central theme throughout this book. The essays document the oppression women and gay people experience, and describe ways in which alternative futures can be built. In "channelling," the author describes the process by which sex roles are developed and hardened. Two essays graphically depict the interrelationship between racism and sexism. Another article reviews the literature documenting the way institutions of higher education discriminate against women. From his own experience and knowledge of gay struggles at colleges and universities, an author writes of "The Oppression of Gay People." The remaining essays describe practical ways in which women and gay people can begin to build alternative futures for themselves. Most chapters include a list of resources or a complete bibliography. (Author/PC)

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# WE'LL DO IT OURSELVES:

# COMBATTING SEXISM IN EDUCATION

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*With Essays By:*
Warren Blumenfeld
Louis Crompton
Nesta King
Del Martin and Sally Gearhart
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CG 009 759

Student Committee (David Rosen, Chairman)
Study Commission on Undergraduate Education
and the Education of Teachers
(Paul A. Olson, Director)

Lincoln, Nebraska
1974

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# PREFACE

Paul A. Olson

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# PREFACE

The roles that women and men act out in relation to each other in holding down jobs in higher education and the schools may be the central "education" that children and young people receive as to how power is exercised in our society and who can exercise it. Not many years ago in the region where this preface is being written, no woman could be appointed principal of a school and the older corps of women principals was rapidly being replaced by young men–school managers. The system of segregation which made the principal the "boss" and the teachers his functionaries, or field hands, carried with it a division of labor which placed on the women of the school the hour to hour "nagging" disciplinary duties and gave to the principal, or preferably to his hatchet man, the vice-principal, the duties of strong physical discipline: spankings, expulsions, and isolation: neither was seriously asked to be an autonomous intellectual or a person by the system of which they were a part. In school year 1970-1971, 67 per cent of all public school teachers were women, but women constituted only:

–31 per cent of the department heads,
–15 per cent of the principals, and
–0.6 per cent of the superintendents.[1]

The male-dominated administrative system nurtured a behavior pattern among the female functionary corps which bespoke intellectual insecurity and a lack of sense of worth or location.

The same structural system prevails in higher education. Almost 40 per cent of the full-time instructors at four-year institutions are women, but the proportion of women drops with each rise in rank. Women comprise:

–21 per cent of the assistant professors,
–15 per cent of the associate professors, and
– 9 per cent of the full professors.[2]

When the University of Nebraska appointed Virginia Trotter as its chief internal academic officer, it was said to have been the first large institution to have appointed a woman to such a position. When Washington, D.C. appointed Barbara Sizemore, the former chairwoman of the Study Commission's School Administrators Committee, as the superintendent of schools, she was said to be the first woman superintendent of a major school system. Whether the history is literally accurate or not, that such a history is brought forward indicates how powerful are the taboos which are theoretically broken by such actions.

The schools present no counter image of "the role of women" different from that presented by industry, business and finance, publishing, the media or law—no such counter image as that presented by the Navajo, the Chinese, or even the English, which George Eliot and John Stuart Mill made in the midst of Victorian England. Nor did the schools present the picture of a society where people's roles in relation to one another were easily negotiated regardless of sex. Many critics of the schools have spoken of the need for "strong masculine intellectuals" in the schools as teachers to counter the prevailing patterns of recruitment—85 per cent women in the elementary school, 60 per cent in the secondary schools. "Strong masculine intellectuals" may go with the notion that they are needed to compensate for "weak dumb women." However, the need persists for people with a strong sense of identity and first rate intellectual and community-building skills in the schools, regardless of their sex. The very structure of higher education and the schools may encourage the constant reenactment of the melodrama of ***Bureaucratic Authoritarian Man*** (however just by his own lights as administrator) and ***Acquiescent Woman*** playing in a structure sustained by unexamined rules, squint-eyed manipulation and brainless flirtation.

Changes are occurring, however; recent federal legislation banning sex biases in education has improved the situation. But progress is slow even within government agencies themselves. The table below shows the hiring record of HEW's Office of Civil Rights, where women make up only 11.6 per cent of all professionals:[3]

**Full-Time Professional OCR Staff, as of 11/12/72**

| Grade | Total | No. of Men | No. of Women | Percentage of Women |
|---|---|---|---|---|
| 18 | 1 | 1 | 0 | 0 |
| 17 | 0 | 0 | 0 | 0 |
| 16 | 4 | 3 | 1 | 25 |
| 15 | 31 | 27 | 4 | 13 |
| 14 | 59 | 51 | 8 | 14 |
| 13 | 77 | 70 | 7 | 9 |
| 12 | 38 | 28 | 10 | 26 |
| 11 | 42 | 15 | 27 | 64 |
| 9 | 38 | 15 | 23 | 61 |
| 7 | 35 | 3 | 32 | 91 |

The equal rights suits connected with the schools and higher education are well-known, as are the efforts to reform textbooks. The gay liberation movement has come to make its effects felt in the courts, particularly with regard to the matter of school certification and employment; school curricula are also getting a going over so that what is presented is more nearly a picture of experience felt and understood than an exercise either in masochism or caricature.

Sexist discrimination is not so much a matter of class as of caste. Analyses of class, caste or sex as the basis of discrimination in American schools almost all demonstrate that race and culture enter into the determination of who is and who is not served by the schools.

It is the Study Commission's hope that through an awareness of America's "cultural pluralism," educational inequities can be minimized or eradicated—partly through education elements outside the schools and partly through client elements (the community) helping to control the schools. At its Wingspread meeting in August of 1972, the Study Commission adopted the following resolution:

> Cultural-social-economic pluralism is the situation in a society where individuals and groups can function successfully in one, two, or more languages and cultural styles; where individuals can abide by and function successfully adhering to different customs and religions, adhering to less crippling class and sexual stereotypes than those accepted today, and where no one race, sex, culture or class is preferred over another.[4]

The enclosed essays may suggest fruitful directions for work toward community building, to reform undergraduate education, the schools, or teacher education, though they are not explicitly endorsed by the Commission or its information network. If such work is carried out, the Study Commission would like to know of it. Please write either Jan Pieper and Betty Levitov at the Study Commission or Barbara Yates of the Student Committee.

**Paul A. Olson, Director**
**Study Commission on Undergraduate Education**
**and the Education of Teachers**
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**Lincoln, Nebraska 68508**

# FOOTNOTES

[1] "A Look at Women in Education: Issues and Answers for HEW," *Report of the Commissioner's Task Force on the Impact of Office of Education Programs on Women,* U.S. Office of Education, Department of HEW, November, 1972, p. 14.

[2] "A Look at Women in Education: Issues and Answers for HEW," p. 15.

[3] "A Look at Women in Education: Issues and Answers for HEW," p. 41

[4] *August Document* (summary), Study Commission on Undergraduate Education and the Education of Teachers, p. 19.

# INTRODUCTION

# INTRODUCTION

In education, as in the other major institutions of this society, the straight man is king. The schools and colleges of this country are especially set up to train him for the position of power and wealth to which he aspires. In the classroom, as in the rest of society, he gains this privilege at the expense of women and gay people.

This position of power is maintained in many ways–through emotionally-held convictions about the dominant role of men and the subservient role of women, through institutional discrimination which prohibits women from equal access to positions of power and wealth, through irrationally held mythologies about gay people, and many others. In educational institutions, knowledge is often the vehicle to the maintenance of power. The possession of and the ability to use certain kinds of knowledge is a jealously guarded treasure which is often used by straight men to keep women and gay people "in their place."

It should not be surprising, then, that one of the keys to the end of sexism in higher education is the sharing of that treasure among women and gay people. One of the demands of the Women's Liberation Movement has been that women must be able to control their own bodies in order to control their lives. In their case, medical doctors–overwhelmingly men–have insisted that only they, possessing a medical school diploma and state certification, can examine women's bodies. Psychiatrists–overwhelmingly straight–hold a similar control over the lives of gay people. A psychiatrist has the power to declare a gay person "sick" and can testify that he/she belongs in a mental or penal institution.

In January 1971 an idea was born which gives new power to the fight of women and gay people against the forces of sexism. At an abortion conference in Los Angeles, five angry women stormed the stage to take the microphone. Frustrated by the elitism and male chauvinism they saw in the doctors at the conference, they told those assembled: "You've fucked around long enough with our lives. . . . Gentlemen, we're going to do it ourselves." Posters were made proclaiming the creation of a women's Self-Help Clinic, and an important concept in the struggle against sexism began to be developed.

* * * * *

The idea that women and gay people must "do it themselves" forms the central theme throughout this report. The essays which follow document the oppression women and gay people experience and describe ways in which alternative futures can be built. In "Channelling" Walt Senterfitt describes the process by which sex roles are developed and hardened and the way in which these roles work to limit the lives of woman and gay people. The two chapters which follow, "The Portrayal of Women in Children's Books on Puerto Rican Themes," and "A Question of Survival: The Predicament of Black Women," graphically depict the interrelationship between *racism* and *sexism.* Barbara Yates reviews the voluminous literature accumulated in recent years to document the way institutions of higher education discriminate against women in salaries, positions, admissions, and professional schools in "Differentials by Sex." Warren Blumenfeld drew upon both his personal experience and his knowledge of gay struggles at colleges and universities throughout the United States to write of "The Oppression of Gay People." Lou Crompton describes how literature deals with homosexuality and how teachers might handle the subject with sensitivity. (Crompton also contributed much of the legal information and job discrimination data for Blumenfeld's chapter.)

The remaining essays describe practical ways in which women and gay people can begin to build alternative futures for themselves. Most chapters include a list of resources or a complete bibliography. Nesta King writes about "Organizing Women's Studies" and Barbara Yates explores three areas where women can "do it themselves": child care, the law, and health. (Included in the latter is a description of the women's Self-Help Clinic in Los Angeles.) Steve Werner examines the potential of "The Gay Student Group" for creating change for gay students, and Sally Gearhart and Del Martin conclude with "Afterthought: Lesbians as Gays and Women." An appendix includes Judge Joseph Young's Decision on the case of *Joseph Acanfora III vs. the Board of Education of Montgomery County, Maryland.*

* * * * *

This report cannot be considered a definitive statement on either the nature of sexism in education or on the alternatives which are now being created to combat it. It contains many deficiencies, which its authors would be the first to admit. *We'll Do It Ourselves* is, however, a beginning. Hopefully, it can be used profitably as an organizing tool by those who have begun to realize the nature of sexism in this society, and who are looking for ways to deal with it.

# CHANNELLING

**Walt Senterfitt**

## CHANNELLING

This report deals with sexism in higher education. However, by the time students enter an institution of higher education, they have long been subject to a socialization and educational process which has shaped their images of themselves and the social roles they accept and aspire to. These basic self-images have been conditioned since infancy according to sexual stereotypes.

> Children learn about sex roles very early in their lives, probably before they are eighteen months old, certainly long before they enter school. They learn these roles through relatively simple patterns that most of us take for granted. We throw boy-babies up in the air and roughhouse with them. We coo over girl-babies and handle them delicately. We choose sex-related colors and toys for our children from their earliest days. We encourage the energy and physical activity of our sons, just as we expect girls to be more docile.[1]

The exposure of young children to the media, such as television and children's books, continues and reinforces the conditioning begun in the family. The Feminists on Children's Media, as part of an effort to compile a bibliography of non-sexist children's books, systematically studied the content of the leading children's books published in one recent year.[2] To begin with, the group discovered that relatively few of the books even featured female characters, let alone what they considered *positive* female characters. Books about boys outnumbered books about girls about three to one.

The books that did portray girls and women fell into three categories. The first were out and out sexist, outlining a traditional background role for women, praising their domestic accomplishments, their timidity of soul, their gentle appearance and manners and—at the same time—failing to portray initiative, enterprise, physical prowess, and genuine intellect. A typical example of an award-winning "sexist book" had this line come from a sympathetic male character: "Accept the fact that this is a man's world and learn how to play the game gracefully."[3]

The second category, "cop-out books," often start by portraying the spunk, individuality, and physical capability of girls, but then require them to surrender these attributes in order to grow up, become a "lady," or become popular with boys. The smallest category was that of "positive image books."

The educational system takes over a major role in the continuing conditioning and stereotyping process when a child enters school. The conditioning proceeds on many fronts. To begin with, there are the roles within the school system—the principal, administrators, superintendent are much more likely to be men than women. The behavior of the teachers toward the children reinforces the subordinate role of females–even a kindergarten teacher may ask boys to help rearrange the chairs in a circle while the girls stand by, learning to be "waited upon."

### Girls Passive and Dependent

Educational materials further fuel the development of stereotypes and particularly the sense of inferiority among girls. Dr. Lenore Weitzman of the University of California, director of a study of the 100 most commonly used elementary school textbooks, found that the illustrations and stories in these books tend to convince girls that they should be passive and dependent people, aspiring to little more than lives of service to their future husbands and children.[4] Texts in spelling, reading mathematics, science, and social studies were examined. Most stories and illustrations tended to center on boys rather than girls and those boys tended to demonstrate qualities of strength, intelligence, love of adventure, independence, and courage. Boys tended to be active, playing baseball, swimming, climbing rocks and occasionally rescuing girls or even adults.

Girls, on the other hand, when they appeared at all, were depicted in passive roles, usually inside a house rather than outside like the boys, and often involving housework or playing with dolls. They were frequently dressed in frilly dresses and they almost invariably smiled pleasantly. When boys and girls appeared together in the texts, the girls were either watching the boys do something or they were assisting the boys. But in virtually every case, the boys were in control.

When adult men appear in texts, they are depicted in a variety of occupations, from astronaut to truck driver, to policeman, to cowboy, to scientist, to banker, *in addition* to that of father. But the overwhelming picture of women that appears is that of housewife and mother. And even in those roles, women are portrayed as performing simple, time-consuming chores. There was no attempt to convey the complexities a modern housewife faces as the family and household manager, bookkeeper, chauffeur, scheduler, cook, adviser.

This study was substantiated by another conducted by Women on Words and Images covering 134 books published by 14 major companies and involving 2760 specific stories for elementary school children.[5] The composite housewife or mother that emerges, according to the study, was a "limited, colorless, mindless creature. She is what we have all been looking for all our lives, the perfect servant. Not only does she wash, cook, clean, nurse and find mittens: these chores constitute her only happiness. In illustration, she frequently appears in the servant's posture, body slightly bent forward, hands clasped, eyes riveted on the master of the house or the children." By contrast, the typical father was the "good guy" in the family. "He's where the fun is. He builds things with the children and takes them hunting, fishing, and up in planes. He solves the problems."

Both studies found examples of how some textbooks depicted girls as thinking of themselves as stupid. In one story, a girl and a friend were making cookies for a school fair. Trying to convince her friend that it won't be difficult to make cookies, the first girl says, "Even I can do it, and you know how stupid I am." Another story illustrates that the opposite is often true for boys in the stories. In one story, there is a little boy who is constantly being followed around by a little girl. "She thinks I can do anything," he says, "and usually she's right."

## Effects Visible Early

Other studies reveal that all this conditioning has a deep effect visible rather early. By the time most girls reach fourth grade they believe that they have only four occupations open to them: nurse, secretary, teacher, or mother.[6] A psychologist, Paul Torrance, has conducted studies showing what he calls the inhibiting effects of sex-role conditioning on creativity. He used a Product Improvement Test, requiring children to "make toys more fun to play with." By fifth grade, it was very difficult to get girls to work with science toys. They frequently protested, "I'm a girl; I'm not supposed to know anything about things like that." Boys were about twice as good as girls at explaining ideas about toys.[7]

In the meantime, while girls are learning to be passive and are preparing for lives in support of men, boys are learning to define their identity in terms of power and learning that they must compete for power with other males. As one astute observer of his own socialization put it:

> What I must grow up to be, what it must mean to me to be a male human being, was presented to me as inevitable and unquestionable. Masculinity was defined for me by the social world I was part of as a set of personal characteristics that must become a part of my identity. I, like all male children, was taught that my value as a person depended on my power over others. I was taught that I must compete for personal power, and that to be successful I must conceal feelings of weakness, tenderness, and dependence, and present myself to other men as self-sufficient and insensitive.[8]

Boys are encouraged to develop personality characteristics deemed useful or appropriate to a life of power, control, or the competition for it. Thus, boys are taught to value physical courage, toughness, competitiveness, aggressiveness, rationality, coolness. They are taught at the same time to devalue qualities that are considered feminine (and which girls are taught, at least indirectly, to value): gentleness, expressiveness, responsiveness, warmth, softness, tenderness, passivity, sweetness, emotionality, sexiness, physical beauty or prettiness, helplessness.

Flowing integrally from the attitudinal and behavioral conditioning by sex roles, the educational system *channels* students into adult social and occupational roles by sex. Channelling by sex roles parallels and complements the other major channelling function of the educational system, i.e. according to social class or status. In both cases, the school system basically prepares its members for the roles toward which they were headed before they entered the system—the ruling class students are prepared for the adult positions of status and power which their class privileges will give them, and working class students are prepared to accept the lower status positions they will get. Similarly, boys are directed toward roles of superiority and power over women, and toward competition with each other for power. Girls are channelled into subordinate, supportive roles and taught to compete with each other for the most desirable (i.e., powerful) men.

### Co-Opt Rebellious Energy

However, some capable and energetic persons from the groups assigned to subordinate roles resent their inferior status, resist accepting it, and struggle for access to the more rewarding positions. To varying degrees and at various times, women, working and middle class men, blacks and other ethnic minorities, and gay people have resisted, rebelled, pressured. (More of this resistance and rebellion later on in this report.) The strategy of the American capitalist system has been to contain, channel, and co-opt this energy back into the system rather than into action for radical or revolutionary change. So, especially in times of an expanding economy, a small percentage of the roles or slots normally reserved for privileged groups are opened to members of oppressed groups. Of course, the openings are very few as compared to the number of capable, energetic people. So some means has to be found to select which women, which blacks, which working class men get to fill these roles. As it turns out the educational system has been assigned a major portion of this selection or channelling function. It is naturally in the interests of the dominant, controlling strata of the society to make the competition as arduous and discouraging as possible. After all, only a few slots at the top are open. And it is convenient if most contestants get exhausted or discouraged along the way and thus settle for subordinate roles without having energy left over to challenge the whole system.

How does channelling work, then, in terms of sex roles? The major effect historically has been to channel men into remunerative, productive occupations and women into the roles of housewife and mother. We have seen some of the methods employed toward this end. This continues to be a major goal of channelling even in the present. However, it is insufficient because the economic realities of American life at present compel more than half of mothers (and an even larger percentage of all women) to work for money outside the home whether they want to or not.

Therefore, some further channelling is necessary within the realm of remunerative occupations that were once all male. There are many devices for accomplishing the channelling, some being merely inaction. For instance, girls are rarely taught mechanical skills in junior high or high school shop classes; if they end up doing factory work, they are less likely than men to qualify for jobs or training as more highly paid craftsmen.

Channelling procedures in the vocational curricula are the most blatant. Male students are rarely found in courses in cooking and sewing, secretarial skills, pre-nursing training, teacher aide training, or a myriad of others leading to occupations associated with women. Girls, on the other hand, are usually discouraged (or sometimes completely prevented) from taking vocational training in mechanics or metalworking, carpentry and cabinetmaking, printing trades, public safety occupations, and so on and on.

In the academic curricula, for those presumed headed toward academic higher education, the channelling is more subtle but no less real. For example, female students are channelled away from vocational interest in science and mathematics and professions like medicine that rely heavily on these disciplines. From the early grades, girls are not expected to think logically or to understand scientific principles. Studies have shown that by the latter elementary grades, girls think of themselves as stupid in science and math and have already given up on them except perhaps as a bitter pill to be swallowed in order to prepare for college. One investigator found that "in six high school science texts published since 1966 and used in the Baltimore city public schools–all of them rich in illustrations–I found photographs of one female lab assistant, one woman doctor, one woman scientist, and Rachel Carson. It is no wonder that the percentage of women doctors and engineers in the United States has remained constant at 6 per cent and 1 per cent respectively for the past fifty years."[9]

**Women Asked: 'Can You Type?'**

Female students in secondary school are instead often encouraged toward the arts, literature, languages, and other humanities. The end result of this channelling, continued through college, is felt by thousands of women when applying for jobs with a fresh humanities B.A. in hand. The usual first question of a prospective employer: "Can you type?" This roundabout device for obtaining highly qualified secretaries is one of the grosser, more dishonest examples of channelling and sexism in employment among some strata of women.

Guidance and counselling is another channelling device. Think of how many girls, interested in medicine, are encouraged to stop thinking of becoming a doctor and instead settle for nurse's training. Or women who are confronted all the time with the difficulties they will face attempting to enter professions heavily dominated by men, with no countervailing encouragement or discussions about how to get support for what will in truth be a constant struggle.

It is easy to focus the discussion of sexual conditioning and channelling on girls and women. They are the group most obviously and directly oppressed. The women's movement has led to an awakening to their oppression, spreading raised consciousness, making demands for change. Women have demanded or conducted studies, like those quoted or mentioned above, that document the systematic pattern of conditioning women to identities of inferiority and an acceptance of subordinate social roles.

However, as is often mentioned in passing by articulators of women's oppression, boys and men are damaged, inhibited, stifled and restricted by the same conditioning and channelling systems. It is natural that the awakening of men to their own oppression by this system is slower, since they do indeed receive certain real benefits from it (as well as many illusory ones that do not fulfill their most basic needs).

## Traditional Male Role Rejected

The awakening is happening, though, led by the group of males who are perhaps the most oppressed by it–gay men. It is only very recently, as adult gay men who have struggled through a lot of pain and mystification to an affirmation of themselves, that they have realized that their gayness often was a major factor in the conditioning process of their early years. (By gayness, we refer to far more than the simple, original fact of homosexuality. What the term has come to encompass, and what was apparent to some in embryonic form sometimes as far back as elementary school and even earlier, is a rejection of "manliness," of the prevailing social view of the role of "man.") Gays, and other men, too, had at least dim stirrings of those feelings that were considered feminine, that men (or even boys) were not supposed to have, or certainly not express or reveal. They were sometimes attracted to vocations or social roles that were not considered acceptable (or at least not prestigious) for men.

A few gay men were strong enough or desperate enough to actively reject the male roles presented to them. They may have developed overtly effeminate behavior as if to emphasize that rejection. If they were lucky to be in a large or unusual enough school and city, they may have found a vocational direction (like drama or art) that tolerated a larger measure of freedom for gay people than most vocations. But no matter how clear or open these gay people were, they suffered a great deal of rejection and pain and devaluation from authorities and peers for not fitting into the system. At best they were channelled into relatively hidden and unimportant social roles. At worst, they were told there was no role for them at all.

Most gays, however, have not understood their difference very well at all, and tried with varying degrees of success to play the game. They frequently chose those areas of academic and vocational endeavor (the "intellectual" route, for instance) where the traditional manly characteristics were thought to be less relevant.

Only recently have gays and other men begun to examine their lives and to examine and confront the destructive effects of channelling and conditioning in the schools. Much research needs to be done. One area, for example, is the possible relationship between the suppression of the "feminine" emotions and personality characteristics in men and the development of destructive aggressive impulses and behavior.

An interesting anecdote comes to mind. Some close friends of the late Lyndon Johnson, reflecting upon his life, spoke of the tenderness and sensitivity that he rarely expressed but that they considered basic to his nature. They said he was in many ways ashamed of and embarrassed about these feelings, and thus was led throughout his life into aggressive behavior in order to cover up the tender feelings and prove "that he was a real man."

Connections between sex role conditioning and unhealthy, destructive forms of aggression can only be speculation at this point, as must be many other hypotheses about the deleterious effects of sexism on all men. But the life experiences that many men are beginning to remember, or discover, and articulate make it essential that the process of discovery, analysis, articulation, and eventually action continue.

# FOOTNOTES

[1] Florence Howe, "Sexual Stereotypes Start Early," *Saturday Review*, October 16, 1971.

[2] Feminists on Children's Media, "Sexism in Children's Literature," *School Library Journal*, January, 1971.

[3] Irene Hunt, *Up a Road Slowly*, Follett, 1966.

[4] Proceedings of the National Conference on Schools and Sex Role Stereotypes, November, 1972, National Education Association and U. S. Office of Education.

[5] Proceedings of the National Conference on Schools and Sex Role Stereotypes.

[6] Statement by Louise White, U. S. Office of Education, in Proceedings of the National Conference on Schools and Sex Role Stereotypes.

[7] Howe, "Sexual Stereotypes Start Early."

[8] Mike Silverstein, "Power and Sex Roles in Academia," *The Journal of Applied Behavioral Science*, Vol. 8, No. 5, 1972.

[9] Howe, "Sexual Stereotypes Start Early."

# THE PORTRAYAL OF WOMEN IN CHILDREN'S BOOKS ON PUERTO RICAN THEMES

**Compiled by Dolores Prida and Susan Ribner**
**in collaboration with Edith Dávila, Irma Garcia,**
**Carmen Puigdollers and Arlene Rivera**

*[This is one of three chapters added to the book*
*after the Student Committee asked various groups and individuals*
*to review the first draft and make suggestions for improvement.]*

# THE PORTRAYAL OF WOMEN IN CHILDREN'S BOOKS ON PUERTO RICAN THEMES

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*Editor's Note: The following article is part of a substantial effort to evaluate children's books on Puerto Rican themes by the Council on Interracial Books for Children. "100 Children's Books About Puerto Ricans: A Study in Racism, Sexism and Colonialism" appeared in the Spring 1972* **Interracial Books for Children**, *a quarterly bulletin of the Council on Interracial Books for Children, 1841 Broadway, New York, New York 10023. (Past issues of the Bulletin and subscriptions are available from the Council.) In its study the Council assembled as many titles as could be found that were published in the United States, in English, about Puerto Rico and Puerto Ricans. The core of the collection was the fifty books considered "the best available in the New York Public Library" from the federally-funded South Bronx Project list which appeared in December, 1971. More titles were garnered from less well-known sources, such as the lists of the Migratory Children's Program of the Connecticut State Department of Education, the Information Center on Children's Cultures of UNICEF, and* **Instructor** *magazine (January, 1972). The books collected were all published by U.S. firms between 1932 and the beginning of 1972, and ultimately totalled 100.*

*While this article deals with the flagrant sexism found in the 100 books, it should be noted that the books consistently misrepresent Puerto Rican culture, both in the United States and in Puerto Rico. The books warp the facts of Puerto Rican history, furthering the colonialist viewpoint by idealizing Puerto Rican-U.S. relations. Pervading the books is a strong undercurrent of race and class bias which results in the portrayal of Puerto Ricans as inferior beings. Not one of the 100 books represents any kind of significant step toward the creation of Puerto Rican self-identity. In short, the books are solidly racist, commonly viewing Third World people as incapable of solving their own problems, holding out assimilation into Anglo society as the only "way out" for Puerto Rican people in the United States.*

*This article graphically depicts the interrelationship between racism and sexism. The books described are part of subtle and early indoctrination for children that there are distinct roles for men and women in our society, for white, black and brown, and that these distinctions are not to be violated.*

Sexism might be defined as those attitudes and actions that relegate women to a secondary and inferior status in this society, and prevent them from developing into full human beings. Women are expected to find primary fulfillment in marriage and motherhood where they function as servants for other people rather than as people in their own right. A concept of women's mental and physical inferiority is the philosophical underpinning for male supremacy. Among other things, it excludes women from a wide range of occupational pursuits, and makes their value as human beings synonymous with their physical appearance and sex appeal.

Of the 100 books for and about Puerto Rican children analyzed in the Council study, boys are the main characters in thirty-two books of fantasy and fiction, while only eighteen books in this category portray girls as the central characters. This imbalance is an indication of the sexism that pervades the book publishing world. Publishers claim that books about girls are less profitable to produce because boys will not read them (while girls do read about boys). Boys as a rule stay away from books about girls because the authors create girl characters who are dull, uninteresting and unadventuresome. Authors claim that they are only portraying the reality of femaleness but, as our study will show, this claim is untrue.

While oppressive conditions have undeniably maimed many girls and women, making them passive and adventureless, the books we are talking about are fictional, and in such books authors have the opportunity–and the obligation–to counteract centuries of literary abuse of the female sex by creating girls in all kinds of exciting roles and by breaking them out of their traditional confines.

The unfortunate finding of our study is that with only a few minor exceptions, the books repeat and reinforce the traditional female stereotypes. Very few of the Puerto Rican girls have any character at all, and their activities are dull. Mothers and other adult women are portrayed as similarly uninteresting. In fact, the non-Puerto Rican authors in depicting their misconceptions of Puerto Rican life–not one of the fiction books about girls was authored by a Puerto Rican–have circumscribed the female role all out of proportion to reality. Not only is the female role in the books more constricted than a comparable Anglo American girl's would be, but it is even more limited than the Puerto Rican female role is in actual fact. A Puerto Rican girl faced only with the prospects presented in these books might reasonably choose not to grow up at all.

## Early Childhood Readers

The training necessary to mold the special female being starts at birth when girls are handled as if they are more passive and fragile than boys. By four and five years of age, their training for housewifery and motherhood has begun, as girls are taught at home how to help mother cook, clean and take care of baby. At school, during the first couple of grades, both girls and boys are taught how to read and write, but in other ways teachers and books start gearing girls toward the gentle "womanly arts" of doll and house playing, painting, sewing, etc., while the boys are encouraged to avoid these in favor of more active, adventuresome and challenging pursuits.

There are eight books about Puerto Rican girls in the four-to-seven-year-old category. They present no challenge in either text or illustration to the traditional rearing of young girls.

The eight nice, obedient Puerto-Rican girls in these books help their mothers at home and do "female" activities at school. (Being Puerto Rican, they also learn English as a school activity.)

In six of the eight books, girls are pictured playing with dolls, and in three stories, dolls play a major role in the plot. While there is nothing objectionable about girls (or boys) playing with dolls, when it is done to the exclusion of all else, that is harmful. The dolls shown are blond and fair-skinned, while their owners are usually brunette and dark-skinned.

At this young age, girls are often physically active—not yet concerned with the image of fragility that they will later be expected to project. In these eight books, however, the heroines are pictured in dresses, playing girls' games like hopscotch or jumprope. Not one girl, for example, is pictured in an active role in any way similar to the hero of *A Week in Henry's World*—constantly jumping off things, playing baseball, standing on his hands, and racing down streets.

A comparison with four-to-seven-year-old fictional boy characters in the "100 books" reveals in additional ways just how restricted the eight girls are. Not one girl takes a trip out of the neighborhood as does Barto in *Barto Takes the Subway*. Not one girl does anything as heroic as Miguel who "saves a mountain" for the neighborhood children in *Miguel's Mountain*. The authors have consciously restricted the lives of these Puerto Rican girls, even more than is true in real life.

## Intermediate Age Books

There are six books with heroines in the eight-to-twelve age range. Here are some of the stereotypical situations found in them:

* The girls give up dolls and begin to rely on girl friends and pets instead.

* School takes on increasing significance in their lives, and for a brief period they might excel in certain aspects of reading and writing (or in learning to speak English). It is permissible for girls to be smart at this age, as long as they begin to act as if they were less intelligent by the time they start dating boys.

* Fun activities portrayed are playing with girl friends, gardening, sewing, play-acting, and joining the girl scouts.

* The girls are homebodies. Rarely do they venture outside the home alone. Even in the company of others they do not go great distances away from home. They are kept busy helping their mothers clean and cook. They always follow the orders of their fathers.

* They are generally sweet, responsible, docile, nice.

Several additional stereotypes appear in the six books and seem to be tied directly to the authors' concept of female Puerto Ricanness.

* The authors have given four of the six girls' older brothers who take care of them, make decisions for them, and order them around. The girls thereby become even more constricted in what they can do.

* These older boys are often called *hombrecito*—"little man"—by their families. They take over as head of the family in the father's absence. They order the mother around. No such importance is *ever* given the girls in the same way, and no author ever challenges this concept.

* Fathers in these books are depicted as supreme commanders of their particular nuclear families. They are waited on and catered to. Their authoritarianism and leadership position is never challenged by the authors.

* While some feminists have recently complained that children's literature often brands the girl who likes physical activity as a "tomboy" (implying

that she is acting like a boy instead of like a normal female), these books about Puerto Rican girls don't have even one "tomboy" in them. The authors have apparently decided that Puerto Rican girls uniformly don't go in for sports and other strenuous physical activities. All six of the heroines wear dresses at all times. (In reality, Puerto Rican girls do not wear dresses 100 per cent of the time.)

* Possibly because the girls are Puerto Rican, the authors feel compelled to have them be the smartest kids. Candita becomes the best new English speaker in her class (*Candita's Choice*). Rosita enters 6-1 (the top) class after she learns English (*A Present from Rosita*). Magdalena reaches an IGC (Intellectually Gifted Children) class (*Magdalena*). The racist implication is that when you're Puerto Rican you must be above average to prove yourself.

What are boys' activities at this age in the Puerto Rican fiction books? They learn how to deep-sea dive (*I Am from Puerto Rico*); they camp out alone at Bear Mountain (*The Silver Cart*); and they go by themselves to Coney Island (*Antonio's World*). They secretly get jobs (*José's Christmas Secret*). They hide sisters in abandoned buildings and scavenge food for them (*Tomás Takes Charge*). They play basketball (*City High Five*), baseball (*Baseball Flyhawk*), chess (*A Guy Can Be Wrong*), and run clubhouses (*The Clubhouse*). Girls of this age are just not allowed any such exciting activity. Is it any wonder that boys don't want to read books about girls?

### Teenagers–Early and Late

There are two books about younger and two about older Puerto Rican teenagers. In the two early teenage books, the heroines become interested in boys and are strongly influenced by them. They make decisions according to what their boy friends think, and they take orders from them. As would be expected, appearance becomes more important.

The authors have done their own racist thing on the early teenage girls. At a time when girls of most backgrounds begin to exert a certain independence from home, the only action the authors see Puerto Rican girls engaged in is joining predatory gangs. To limit the alternatives for independent action as a female to "deviant" behavior is a good example of the close affinity of sexism and racism.

The girls in the two late teenage books finally get down to where it's at–marriage and "career." In the latter case, since the authors have made the girls "poor Puerto Ricans," they are involved in supporting their families, yet they are relegated exclusively to very low positions in the job market, as waitresses and babysitters. "Careers" above this level are never seriously considered.

Of course, the books end with the girls planning marriage. While the author of *Don't Look at Me that Way* happily doesn't see marriage as her heroine's only purpose for being, it is nonetheless her destiny. No alternative is presented.

Males in the Puerto Rican fiction books for boys fare not much better than the girls. The boys are not concerned with romance in these books (*The World of Carlos* and *Moncho and the Dukes*), but being subject to racist attitudes of the authors, the boys all turn out to be juvenile delinquents. And at the same time, subject to the authors' sexist attitudes, the boys are more proficient than the girls in crime, and as gang leaders they tell the wayward girls what to do.

## How Mothers Are Portrayed

Of the eighteen books, nine depict mothers exclusively as housewives; six are housewives who also work at low-skilled jobs in factories, hospitals or as cleaning ladies, and all cook, clean and mother after work. In two books no mother is depicted, and in one we don't know what the mother does.

What this says to a Puerto Rican girl is that if she decides to become a mother, the odds are close to 100 per cent that she will be a housewife or a combined housewife and low-income, low-skilled worker. Not a single alternative is presented. No group of people is so limited in role.

In addition, mothers are usually portrayed as characterless and vague, especially in stories where the father is present. (Magdalena's grandmother proves the one exception to this stereotype.) Mothers are also presented as weak. They are the ones who cling most to tradition (a weakness from the authors' point of view), who miss Puerto Rico the most (another weakness from the authors' point of view), and who have the most trouble adjusting to the United States (still another weakness from the authors' point of view).

These stereotypes are contrary to reality in which Puerto Rican mothers are so frequently strong figures in the home.

## Other Adult Women

Are there no interesting, skilled, creative, dashing Puerto Rican women for young girls to dream about and emulate? Not in these books.

Take a look, for example, at the jobs assigned to the women who are not mothers. There is not a single woman in all the eighteen books who is clearly defined as a Puerto Rican and who holds a position outside the home other than a low-skilled uninteresting job. A few possible Puerto Rican professionals appear in minor roles: Spanish-speaking Carolla Santos owns a dress store in *Rosaria*; a Spanish-speaking teachers' aide helps out in *I Am Here*; and the classroom teacher in *A Surprise for Carlotta* is named Mrs. Lopez, although there is no indication that she is anything other than Pure Americana. These are the only possible Puerto Rican professional or semi-professional women mentioned in the books. All Puerto Rican women neighbors and friends in these fiction books have jobs similar to the mothers.

Is this the reality for Puerto Rican women—the reality the authors and editors feel so compelled to write about? Hardly. The authors' middle class values keep them from discussing the true realities of ghetto life—the reality of drugs, the reality of prostitution, and all the other realities poor women are oppressed by every day. The authors' politics won't allow them to show the reality of the increasing number of Puerto Rican activist and revolutionary women. The authors' racism won't allow them to show Puerto Rican women as skilled professional lawyers, teachers, and doctors, few though these may be. And their racism and sexism and lack of imagination keep them from showing women in fantasy situations, as astronauts, Puerto Rican fairy-godmothers, or whatever.

A number of non-Puerto Rican professional women, however, are portrayed in the books: teachers, nurses, social workers, and librarians. One white girl wants to be a doctor (*Candita's Choice*); one white woman is a school principal (*Magdalena*); one Black woman is a judge (*Gang Girl*); one Black woman is a teacher's aide (*What Do I Do?*); and one Asian American woman is a teacher (*What is a Birthday Child?*).

It is interesting to note that other than the principal, judge and would-be doctor, all these jobs are women's traditional "professional" roles—mostly service jobs and jobs dealing with young children. And in the fiction, they're minor walk-on parts at that (except for the teachers and the social workers who are constantly trying to take over the Puerto Rican adult women).

The eighteen fictional books in which girls are the central characters are reviewed in the paragraphs that follow.

*[The criteria used in the reviews that follow are not limited exclusively to the feminist viewpoint but include other criteria discussed earlier in "100 Children's Books About Puerto Ricans."]*

## EARLY CHILDHOOD READERS

*WHAT IS A BIRTHDAY CHILD?*
by Ruth M. Jaynes, photos
by Harvey Mandlin (Bowmar)
and
*DEAR UNCLE CARLOS*
by Seymour Reit, photos
by Sheldon Brody (McGraw-Hill)

These two early childhood readers are uninspiring Dick and Jane books with Puerto Rican characters. The first depicts the events that take place in a middle-class school on the birthday of five-year-old Juanita (of undertermined Latin origin). Juanita does the following female sex-stereotyped activities: listens passively to singing, records and stories; cuts flowers from the beautiful outdoor garden; dresses up in adult women's clothes; plays with the big blond doll; and eats punch and cookies with her classmates.

In *Dear Uncle Carlos* (one of the three male-authored fictional books), the Puerto Rican girl, Wanda–also about five years old–writes a birthday letter with the help of her parents to an uncle in Puerto Rico. As usual, Spanish words are misspelled. "Feliz Cumpleaños" (Happy Birthday) is incorrectly spelled "Felix Compleaños." The book is unimaginatively done, and the child isn't even allowed to write her own letter, but some adult's imitation of a child's writing appears.

*WHAT DO I DO?*
by Norma Simon and
Joe Lasker (Whiteman)

This book has the virtue of being the only one of the eighteen fictional books that is bilingual. Unfortunately, Spanish is given a secondary position by being put under the English in smaller print.

The book portrays with some humor and liveliness the events in the day of a young Puerto Rican girl (about five years old) who lives in a housing project and goes to school in a neighborhood that is mixed black, brown, and white (majority non-white).

Once again, there are gross mistakes in Spanish. For example, the heroine's name is Consuel*a*. Consuel*o* is the correct spelling.

The book will win no feminist prize since nice, obedient Consuela does mostly "girl things"—helping with the baby at home, setting the table, etc. Physically, however, she is active, and one picture of her sprawling on the floor in school, playing with a wagon, is good and unusual. For some unknown reason the father looks like Frankenstein, and for once, the housewife-mother looks realistically exhausted at the end of the day.

(In a companion bilingual book—*What Do I Say?*—the main character is a boy, and this book has more going for it. The Black school teacher is not an aide, as she is in *What Do I Do?*, and the Spanish text is, for a change, correct.)

### *CARMEN*

by Bill Binzen (Coward)

Sex stereotyping is heavy in this ghetto-adjustment photograph book (male authored). Carmen (four or five years old) is the empty-headed female who has no inner resources for amusing herself on a rainy day. Her brother, of almost the same age, is shown absorbed in his cars, "as usual," not at all troubled by the rain. Carmen needs externals to save her. As only a "female" would do, she puts on her brightest dress hoping to cheer herself up.

### *MARIA*

by Joan M. Lexau, illustrated
by Ernest Crichlow (Dial)

Although the book appears on recommended lists of books about Puerto Ricans, there is no mention in the text that Maria is Puerto Rican. She comes from an Hispanic culture, however.

A lack of understanding of Hispanic cultural background is evident in this book. The parents sell an antique doll that was a family relic in order to obtain money for food, shoes, and a cheaper doll for their child. It is doubtful, however, that Spanish parents would do such a thing since it is a cultural tradition to respect and cherish objects that belonged to one's great-grandmother and that have been passed on to each generation.

The book is also negative from a feminist viewpoint. As in many of the stories, there is a big brother who knows it all, makes the decisions and protects the girl. Even more offensive is that, once again, the dominant object in Maria's life is a doll (again of lighter skin color than the little girl).

Maria is another adapt-yourself-to-America book, with the father always talking about "When we are rich." And what might seem "practical" from one standpoint—selling a doll in order to have more money—is, in the context of this story, something else: the selling of one's culture in order to make it in a different society.

### *I AM HERE-YO ESTOY AQUÍ*

by Rose Blue, illustrated
by Moneta Barnett (Watts)

This is a well-written, nicely illustrated and a rather touching story, but it has serious flaws.

It is the story of Luz' first day in a U.S. kindergarten. Luz has just come from Puerto Rico, misses home, is afraid of the new school, and doesn't speak English. A white teacher, and a Spanish-speaking teacher's aide, sympathize with Luz's language difficulties and give her multilingual lessons. By the end of the day, with the added help of seeing her first snowfall, Luz adjusts, and she learns to say in English, "I am here."

Pattern one: This is an adjustment-to-America book, with the moral being "All you have to do is learn English, and everything will be alright."

Pattern two: Aside from the welcome addition of the female Spanish-speaking teacher's aide, sex stereotyping is strong in this book. The classroom illustrations show girls, exclusively, playing with dolls. Both boys and girls are playing with paints and blocks.

Pattern three: The book lacks authenticity. When Luz is given a hot dog for lunch she acts as if she never saw one before. Most U.S. foods and psuedo-foods—like hot dogs—are well known in Puerto Rico.

### *ANGELITA*

by Wendy Kesselman, photos
by Norma Holt (Hill & Wang)

This book has aroused heated controversy. It has been described as a "beautiful" and "touching" story, with excellent photographs. One reviewer felt that this story of a young girl's move from Puerto Rico to New York is portrayed with "that touch of fantasy and beauty that all lives, no matter how poor they appear, contain." Other reviewers consider this book an "overly romantic," "abominable concoction of saccharine sentimentality."

To *Angelita's* credit, while a major portion of the book concerns a girl and her doll, it shows her in a much wider scope of activities than any of the other early childhood books about Puerto Rican girls. We see Angelita in Puerto Rico climbing mountains, playing with a crab on the beach, riding horses, swimming, and even being self-sufficient enough to "go off by herself into the hills." Aside from Rosa-Too-Little, of the book by that name, Angelita is the only Puerto Rican girl pictured in shorts, also underpants, without a top—allowing her that freedom of movement to be an active, physical person.

Of all the early childhood books, *Angelita* comes closest to portraying the starkness of the contrast between rural and ghetto living conditions. In some ways, this story patterns itself after the other books. It is a story in which the heroine eventually adjusts to ghetto, U.S.A., and does so with the help of that first-seen snowfall (". . . for the first time she was happy in New York"). Puerto Rico is portrayed as overly romantic, overly beautiful, even though the father does admit that it's hard to make a living there.

In an otherwise quite authentic book, it is unfortunate that the authors chose to substitute the term "coquille bird" for coqui. A coqui is a tree frog, indigenous to Puerto Rico, and in many ways a national symbol. The authors tell us they deliberately changed it because coquille bird would be better understood in the U.S. than coqui.

### *ROSA-TOO-LITTLE*

by Sue Felt (Doubleday)

This well-known, extensively used book (published in 1950) is found on all lists of books for Puerto Rican children. It is about a young girl, Rosa (nowhere in the book is it stated that she is Puerto Rican), who desperately wants a library card and learns to write her name for that express purpose. Views on this book range from Good to Poor, from a "nothing, boring, uninteresting, uninspiring" book to a "nice, simple, motivational" story.

There is little that is Puerto Rican about the book and, aside from a few Spanish words and her darker skin, Rosa could be an Anglo American child living in a city neighborhood.

Rosa's being "too little" for various activities is objectionable to Puerto Ricans who are always being told that their country is ten or one hundred times smaller than every other place, and that their physical stature is too little for certain jobs (police work, for example).

## INTERMEDIATE AGE BOOKS

### *A SURPRISE FOR CARLOTTA*

by Nellie Burchardt, illustrated
by Ted Lewin (Watts)

An outrageous book. For one thing, the author confuses Spanish with Italian. "Com' un' angelina!" (p. 43) is misspelled Italian. Spanish words are often misspelled and misused in the book, Carlo*tt*a and Francesca are not Spanish names.

The heroine, Carlotta (who is about eight), is portrayed as "the other" type of female–the competitive, jealous, classical brat. She is terribly nasty and hostile, yet no particularly good explanation is offered for her behavior other than that she is short for her age. Her major action in the book is falling in love with a duck at school and taking care of him for a weekend (motherhood training?). Her one creative act is to name the duck "Dandelion."

Carlotta actually does some non-feminine things, such as touching snakes before boys dare to, and helping to construct a duck cage in school. As boys will do, she hits people physically when she's mad. She is not actually a tomboy–she's not at all athletic and is always pictured in her darling little skirts. But as she grows up physically, we are given to understand that she will grow up mentally, i.e., she will give up her outrageous behavior and act her sex.

The men in her family are clearly The Unchallenged Rulers. Her brother is the *hombrecito* of the house; the father makes all major decisions, and he is served meals first "not just so he could get to his job on time, but also because that was the way it had always been in Puerto Rico." (p. 71).

### *MY HOUSE IS YOUR HOUSE*

by Tony Talbot, illustrated
by Robert Weaver (Cowles)

A slicker-than-usual book about moving out of the ghetto. Eleven-year-old Juana's family moves from their "condemned" slum neighborhood to Islip, New York, after their tenement and all their belongings are destroyed in a fire.

Juana, like Carmen of *Spider Plant,* doesn't want to move from her Puerto Rican neighborhood (roosters, botanicas, bodegas, etc.), nor does she want to part with her possessions which she sees as extensions of herself. After the fire, Juana convinces herself that what counts are "their lives, not the objects that were ready to be discarded." The family then moves with not one possession to their new empty house and are "ready for a new start." What sounds like American practicality in Juana's attitude is in this case (as in *A Present from Rosita* and *Maria*) something else, for the objects and the neighborhood they so willingly relinquished really symbolize their Puerto Ricanness. It is presented more subtly in this book, but the moral is still: if you want to make it in America, then you'd better leave your old culture behind–burn it– and start clean.

*MAGDALENA*
by Louisa R. Shotwell, illustrated
by Lilian Obligado (Viking)

The best book in this particular age group, *Magdalena,* is about a 6th grade girl and her grandmother. For a change, this is not predominantly about suffering and ghetto adjustment. It has welcome touches of fantasy, magic and adventure. The writing is better, wittier and more poetic than most, and the illustrations are exceptional.

This is in some ways a real Women's Book. Adult male authority figures are notably absent, and the females have true character and strength. The all-wise, warm, dignified grandmother, who is into spiritualism and herbal remedies, is unforgettable, and even the school principal is a woman (white, of course). The emphasis in the book is on people and their humanity, not on the social environment.

*A PRESENT FROM ROSITA*
by Celeste Edell, illustrated
by Elton C. Fax (Messner)
and
*THE SPIDER PLANT*
by Yetta Speevack, illustrated
by Wendy Watson (Atheneum)

These two books were written by New York City teachers. They are both rather dull adjustment to the ghetto books that skirt the edges of real problems and present unreal solutions to unreal situations.

The heroines, Rosita and Carmen, are both twelve years old with older brothers, and with mothers who find it hard to adjust to the U.S. Both attend what seems to be totally unreal, non-ghetto type schools where the teachers are loving and the classes, calm and pleasant. Adjustment to school and learning English are unrealistically easy for both girls. Their major problem is in overcoming prejudices that are blocking their chances for friendship with other children. The burden of proof is placed on the girls; that is, they must prove their worth through exemplary conduct.

Carmen of *The Spider Plant* has been stigmatized for the crime of digging up dirt twice in Central Park, and to redeem herself she must give cuttings of her spider plant to every kid in the class, as well as put on an allegorical play proving her innocence. In the second book, Rosita is faced with anti-Puerto Rican prejudices and must learn English, be in the top of her class, playing beautiful scenes for a school play, constantly salute the flag, and remodel her mother's hand-sewn wedding gown to fit her blonde, beautiful girl friend who needs a costume for a school play. Then, and then only, are the two girls accepted and loved (as evidence, according to the authors, that racism is easily overcome!).

*The Spider Plant* has the distinction of being recommended by some feminist groups, yet it portrays Carmen washing dishes after dinner while her brother, the "hombrecito," begins his homework (although she has homework as well). She also joins the girl scouts where she will learn homemaking and gardening. Is this a feminist book?

*A Present for Rosita,* written in stilted English, is practically an outright propaganda book and claims that it is not only good to become an "American," but that this is easy to accomplish.

### *CANDITA'S CHOICE*

by Mina Lewiton, illustrated
by Howard Simon (Harper)

This well-known old-timer (1959) is not only written in stilted English but utilizes several of the grosser themes pervading the adjustment-to-New York-from-Puerto Rico books.

Eleven-year-old Candita has The Language Problem. Rather than be humiliated for not knowing English in school, she refuses to speak at all until she has learned it perfectly. Secretly she learns to read "Bushy Tail the Squirrel," and eventually she speaks perfect English in school and is destined to win honors for her excellent language adjustment.

White paternalism has a field day in this book. Candita's white girl friend is *the* one who always makes her feel better, and *the* one whose father gets Candita's sculptor father a job sweeping floors in a museum, for which he is overwhelmingly grateful.

As a female, Candita is allowed to resist and then learn English, read, baby sit, get appendicitis, and dream of being with her father, "to live in his house and learn his work, and then to cook and to sew for him." Carving and modeling figures would be fine for her to learn, but she won't have much time for that after taking care of her father.

## EARLY TEENAGE BOOKS

*ROSARIA*
by Susan Thaler, illustrated
by Genia (McKay)
and
*GANG GIRL*
by H. Samuel Fleischman, illustrated
by Shirley Walker (Doubleday)

These two are probably the most dangerous of the fictional books. Both are about teenage Puerto Rican "good girls" who turn "bad." Disillusioned with American ghetto life, they join gangs, take part in robberies (directed by male gang members), and are rehabilitated by white social workers and boy friends who teach them that they can make it by staying within the American mainstream. The onus for all "deviant" behavior in these books is: there is no good reason for being disgruntled by society–it is all your own wrong attitude that gets you in trouble.

An outrageous incident in *Gang Girl* has one of the boy gang leaders shot and killed by cops while running from an attempted burglary. No one, not even the dead boy's girl friend, Maria–the fourteen-year-old heroine–is particularly angry with the police, or upset about the boy's murder. Everyone blames themselves instead. They have "learned their lesson," and The Spanish Ladies, the fighting gang that Maria heads, must be reformed. In the process, the male author reforms the gang, in some respects, from "bad" to worse. While the girls do stop beating up on other neighborhood girls, they change from an active, independent female group to a passive social club with the most frivolous of "female" interests. As a start, the social worker suggests: "It's fun to learn how to fix yourselves up. I could get a friend of mine who works in a beauty parlor to come and show you how to do your hair and put on make up."

The reviewers feel that this carefully "researched" book–publisher's blurb–has absolutely no veracity, and no relation to the reality of Puerto Rican ghetto life–except, of course, for the intrusion of social workers and the brutality of the police.

*Rosaria* (there is no such Spanish name–the correct spelling is Rosario) is a slightly more realistic, more Puerto Rican, more "hip" and hence more dangerous book. Rosaria, a brilliant teenage writer, drops out of school and joins her brother Carlo's gang because of a clearly defined (and correct) anger at a society that has destroyed her father through racist union practices. Directed by male gang members, she helps rob a jewelry store, and after being arrested, speaks eloquently of American injustice, refusing to accept guilt, and stating that she knows only of "the crime of being poor, the sin of going hungry."

While Carlo (Italian spelling of Charles, in Spanish it is Carl*os*) serves five years in prison, the heroine is rehabilitated in Project Step-Ahead as a teacher's aide in a summer school where she meets a handsome blond Yale-bound boy who "saves her," with the help of the social worker. (The author does not allow a Puerto Rican girl to "save" herself or be saved by another Puerto Rican woman, or by any Puerto Rican, for that matter. Anglo-American arrogance assumes that only Anglo-Americans know the answer for the "poor Puerto Ricans.") Together, this all-American team convinces Rosaria that her bitterness is unfounded. . . . "You can't blame others for your own mistakes," says her blond boy friend (meaning that if a union discriminates against you, it's your own mistake, etc., etc.)

As in *Candita's Choice*, the father of the Anglo boy gets Rosaria's father a job, and from then on, everything is fine.

## OLDER TEENAGE BOOKS

*THE GIRL FROM PUERTO RICO*
by Hila Colman (Morrow)
and
*DON'T LOOK AT ME THAT WAY*
by Caroline Crane (Random House)

Here are two more books with remarkably similar story lines. Two Puerto Rican teenage girls, both high school dropouts, must find jobs to help support their large, fatherless families, run by docile and "backward" mothers. The girls' lives are complicated by the presence of younger brothers who have run-ins with the police. The girls get jobs as waitresses and babysitters, and in the latter position, both are presented with almost identical problems: they babysit for well-off white patronizing liberal women. These women, in turn, have neighbors or nephews who are eligible white college boys and who are interested in the girls, but treat them in heavy racist and sexist stereotyped ways. A central question in each book is how the girls will relate to these patronizers and their middle-class values.

Eighteen-year-old Rosa of *Don't Look at Me that Way* discovers the latent racism of American liberals, and she rejects them and their values. She is the only protagonist in all the eighteen fiction stories who is offered the rags-to-riches American dream by white benefactors (free car and free college) but rejects the offer as degrading and patronizing.

Of all the stories, *The Girl from Puerto Rico*'s fifteen-year-old Felicidad is the only female protagonist to return to Puerto Rico to live, finding the U.S. unsatisfactory. She goes back, however, only because she had wanted very much to be an "American," but found that Americans didn't want *her*.

This theme might be interesting if handled correctly, but the author is unsure of what position to take on the issue and so she equivocates and contradicts herself.

These two teenage books discuss heretofore taboo subjects and offer truths about ghetto living that are usually avoided. From both stories the reader learns that not all Puerto Ricans are fair skinned (even though the heroines usually appear to be very fair.) From *Don't Look at Me that Way,* the reader learns that poor children often eat paint off walls and get poisoned; that cops aren't liked; and that people don't believe prisons rehabilitate. That women get pregnant, sometimes without husbands, and that they sometimes die in childbirth (Rosa's mother). That marriage is not usually bliss and that men do abuse women. From *The Girl from Puerto Rico,* the reader learns that men (Felicidad's father) sometimes die from trying to uphold the image of their masculinity. And that Puerto Ricans sometimes take out their frustrations at ghetto living on their natural allies, their Black neighbors, and vice versa.

*Don't Look at Me that Way* comes closer to being a feminist book than any of the eighteen. In an interview, the author told us that she does deliberately write from a feminist viewpoint. The book shows, in the treatment of Rosa's mother, just how badly poor women in America are oppressed by society and by men, and the way in which younger women, especially Puerto Ricans, are considered sex objects for men's enjoyment.

Although Rosa is *not* particularly Puerto Rican as a person, she stands apart as one of the only characters in these books verbally to affirm proudness in being Puerto Rican.

## SUGGESTED READING

For a view of how some Puerto Rican women feel about women's position today and the role of Puerto Rican women in the Women's Liberation Movement in the United States and Puerto Rico, see:

### In English

* The section titled "Revolution within the Revolution," in the book *Palante, Young Lords Party* by Michael Abramson and The Young Lords Party (McGraw-Hill 1971), pages 45-58. This book also contains excellent short autobiographical accounts by Puerto Rican women–Iris Morales, pages 24-28; Carmen, pages 36-39.

* The articles "The Role of Women in Puerto Rico's Liberation Move-

ment," by Carmen Eneida Parilla, and the "Position Paper on Women" by the Young Lords Party. Both are included in the pamphlet "Cultural Identity Vs. Cultural Invasion," which is part of a packet titled *Puerto Rico: Showcase of Oppression.* This packet, published in Puerto Rico, is distributed by Latin America Publications Service, Box 12056 Mid City Station, Washington, D.C. 20005. The cost is $2.50 per packet, $.75 for the pamphlet mentioned.

**In Spanish**

* A recent mimeographed report on the economic exploitation of women in Puerto Rico prepared by and available from the Independence Party, Muñoz Rivera Avenue, Rio Piedras, Puerto Rico.

* Nancy Zayas has prepared an anthology of writings on the women's movement in Puerto Rico, published during summer 1972 by Libreria Internacional, Inc., Saldaña Núm. 3, Rio Piedras, Puerto Rico.

## BOOKS TO AVOID

* *The Puerto Rican Woman* by Rederico Ribes Tovar (Plus Ultra Educational Publishers 1972). This book, written by a Moroccan male, has evoked strong criticism by Puerto Rican women. On March 18, 1972, at a Puerto Rican women's conference sponsored by the Puerto Rican Studies Department and the Puerto Rican Alliande at Brooklyn College, a person trying to sell the book was stopped from doing so by the women attending the conference.

# A QUESTION OF SURVIVAL: THE PREDICAMENT OF BLACK WOMEN

**Dorothy Parrish**

*[This is one of three chapters added to the book after the Student Committee asked various groups and individuals to review the first draft and make suggestions for improvement.]*

# A QUESTION OF SURVIVAL:

# THE PREDICAMENT OF BLACK WOMEN

Probably the most significant single factor for black women in combatting sexism is that, together with black men, we must wage a concurrent war against racism. White racism and white male supremacy are the same disease; these two most prominent features of all American institutions function in tandem to deny us educational, employment and other opportunities. For black females in the United States, problems resulting from sexism cannot be divorced realistically from problems resulting from racism. On both fronts, we face the same enemy; all of our strategies must be directed toward freeing us from the oppression of that enemy. Caught in the double whammy, most black women are compelled by basic survival needs to focus on nitty-gritty daily strategies for remedying specific consequences of oppression. Our priorities and pressing needs do not indicate that black resources should be concentrated on establishment of alternative women's institutions. Since this is, for us, a battle for survival, our lots are cast with those to whom we regard our survival as most intimately linked—the community of black men, black women and black children. The overall focus of our thrust must differ from that of white women because a majority of us must give high priority to strategies for personal physical and economic survival—not luxury or even comfort, but survival. And we must attend to our psychological and emotional survival needs; although we've held up well for many decades under extreme racist and sexist pressures, the suicide rate among black women is now skyrocketing.* Fortunately, black women's battle against sexism is not inherently domestic despite the fact that sexism also exists in our homes and communities. Since a relatively large proportion of black women have done so for decades, we have little need to prove to our men or anyone else that we are able to make it on our own—despite the worst adversities. Instead, black women's strategies must focus concurrently on continuing full utilization of our own survival capabilities and facilitating full involvement of black men in assuring survival of our people. Our battle against racism and for self-determination requires pooling together and increasing the total resources of black people—including men and women alike. Anti-sexism strategies which isolate us from one another would be detrimental to this cause. While working together with black men to relieve ourselves from racist oppression within

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*Jack Slater, "Suicide: Growing Menace to Black Women," *Ebony*, September, 1973.

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the ivory tower, black women must wrestle with a series of survival questions. These questions are advanced on many fronts and threaten to estrange us from ourselves as well as from others. We share some of these questions, more or less, with black men and others; the remainder relate to our unique experience:

I. Can I be black and woman?
II. What will I say when they call me matriarch?
III. Don't they know I've got a story too?
IV. Where will I hang my Ph.D.?

We face each of these and, of course, other pressing questions, daily. Directly and indirectly, they affect our ability to provide for ourselves and our dependents. They certainly affect our emotional and psychological well-being as individuals and as a group. How shall we respond?

## I. A QUESTION OF SURVIVAL: Can I be black and woman?

During the last decade, collegiate institutions got funds from the government, foundations and wealthy individuals to set up a variety of special programs demanded by blacks, women and other oppressed groups. However, the support provided for these programs did not initially meet the need and then failed to expand proportionately as the number of groups articulating legitimate demands proliferated. Consequently, oppressed groups have been set up to compete against one another for sub-portions of an inadequate slice of the American educational and employment opportunities pie. To gain any new concessions, each group has been required to establish the primacy of its demands over those of others. Now:

–black women's problems and statistics are cited to get more of the action for blacks; black women's problems and statistics are reiterated as women's groups state their case.

–white women seek out and spotlight black women participants in women's liberation efforts; black men admonish black women who invest time and abilities to promote women's liberation movement demands (which in fact are weighed by grant reviewers against black groups' demands!).

–white women accept allocations in the name of "women" and thus become almost exclusively the beneficiaries even when they choose to grant some concessions to black women; allocations in the name of "blacks" are made to black men who become the primary direct beneficiaries although they too grant concessions to the special needs of black women.

If black women were more malleable, schizophrenia would probably be our most conspicuous contemporary problem! Most of us gain personally, albeit indirectly, from educational and employment gains of black men–our fathers, husbands, lovers, brothers and sons. On the other hand, advances gained by white women in employment and education wear away at sex-based barriers and consequently may yield benefits for us in the long run. However, few of us are likely to gain even indirect personal benefits from such advances in the immediate future. Still, even as we benefit from educational and employment gains of black men, sex-based barriers stand between black women and achievement of our personal objectives. And as white women make advances, race-based barriers block our paths.

## I. RESPONSE STRATEGIES: I am black; I am woman.

Black women on white college and university campuses must not abandon the traditional role that black women have filled as organizers and mobilizers of our communities. Educated black women have traditionally become school teachers and remained close to the black community, helping to fill the major need for keeping the black community in touch with itself. In our battle to combat sexism, we must not adopt one-dimensional strategies which leave a void in this critical role. Concurrently, we cannot settle for organizing around health, education, employment, housing or any other neatly isolated fragment of the broader issues of survival confronting us.

1. Work as a full participant within black organizations. Volunteer or accept responsibility for the group's domestic, custodial and clerical functions only if those are the assignments you really want; and even if you choose to take on these responsibilities, also contribute to the group in other ways. Don't bite your tongue in discussions; this might allow the men to talk it out but it also denies the group benefit of your insights. We must neither foster nor support sexism within the black community. When black organizations that you are affiliated with plan special projects, be sure that the special needs and broad capabilities of black women are taken into consideration; for example:

–if a poetry reading is being planned, seek our black women poets and get them included on the program.

–if funds have been appropriated to pay tutors for black high school students, make it your business to find black college women to serve as tutors as well as black high school girls who need the assistance.

–if your group is sponsoring an exhibit of the art of black prisoners, organize a task force to make necessary contacts and obtain artwork produced by sisters in confinement.

2. Involve yourself to some degree with campus and community women's groups despite opposition which may develop. Find out what resources these groups have that can be tapped to benefit the black community. Many groups organized around women's rights issues make special efforts to recruit at least token numbers of black women and try to avoid the appearance of being in competition with the black movement. These groups are often anxious to support projects proposed by or for black women. Consequently, it will be relatively easy for you to gain visibility and significant leadership experience in such groups; you will be able to use these assets too in your battle against racism.

This two-pronged focus may appear to some as a rip-off of the women's movement. But, the black community is more than 50 per cent female. If you are involved with a women's movement group which is indeed dedicated to ending oppression of women as a class–rather than of white women specifically–your application of group resources to combat racism and sexism concurrently will be met with minimal flack.

3. Try, but if you are unable to involve existing black campus organizations in efforts focusing on the needs of black women, form a separate black women's group or caucus. The entire black community will suffer if negative reactions to white women's liberationists are permitted to run black women underground in the same communities where we are most needed up front. In a black women's group, your experience will be less isolated and your efforts will have a less divisive impact on the black community than would be the case if you tried to address black women's needs through an organization of mostly white women. Your black women's group will have the advantage of being able to align itself easily around specific issues with white women's groups as well as with other black groups. To avoid alienating black community elements that regard the women's liberation movement as a threat to the black community, your black women's group must involve itself with a broader range of issues than those embraced by white women's groups. On the other hand, you must not fail to aggressively take up projects and issues specifically relevant to your status as women. For example, in concert with

*other black groups, you might:*

–support a black man who has been abused by police on your campus; use expertise, contacts, funds and other resources of your organization to assist the brother.

–try to change enrollment patterns in laboratory schools affiliated with your campus; such schools frequently offer better instruction, materials and learning environments than the surrounding public schools (although in some cases they are administratively included in public school districts and charge no tuition); many such schools serve primarily the children of college deans and executives as well as the children of prominent members of the community around the college.

–find out whether specialists are available to treat sickle cell anemia at the student health facility on your campus; do somethingto change the situation if you determine that action is needed.

And, in concert with other women's groups, you might:

–call for dismissal of a student health facility gynecologist who refuses to examine menstruating patients.

–try to get the financial aid office to change a policy of considering court-ordered child support payments as income in evaluating a mother's eligibility for student aid even when such payments are not in fact usually received.

–try to get the institution to discontinue basing admission eligibility on a test which has a higher passing score for women than for men.

Your group may choose to focus on concerns which have direct effect primarily on black women in general or on a particular black woman; in this area, you might undertake projects such as:

–finding out whether specialists are available at the campus health facility to treat lupus erythrematosus; take further action if it is necessary.

–supporting a black woman who has served well as a part-time faculty member without fringe benefits and now seeks a full-time appointment.

–getting hair care preparations, cosmetics and shades of hosiery that black women use stocked by retail toiletries outlets on or around the campus.

Again, if like most black women's groups, you choose to identify most closely with the black community, it will be critical for you to undertake projects which are not commonly identified with issues that white women's groups are addressing. Because black women have such a broad range of pressing needs, this should not present a problem.

4. If you get involved with an organized group of white women, do not hedge about letting them know where your priorities lie. The ideological basis of their efforts require an alliance with you. Do not feel obligated to involve yourself in feminist projects which lack relevance to your immediate needs and concerns as a black woman; such involvement will dilute resources that you could otherwise invest in projects more meaningful to black women's needs.

5. Avoid becoming the envoy or ambassador to the black community either for a particular feminist group or generally for women's liberation movement ideologies and programs. As you know, we've had more than our share of missionaries, puppets and related zealots. In such a role, you would arouse hostilities and anxieties and generally be a liability to other black women working to combat sexism.

## II. A QUESTION OF SURVIVAL: What will I say when they call me matriarch?

Many black women have taken severe punishments and been seriously inhibited as a result of other people's efforts to define black women. A lot of people have studied and accepted Daniel Moynihan's diagnosis of the malady of the black community. Disciples of this theory tend to regard strong and independent black women as the barriers between black men and human dignity. They view our independence, tenacity, aggressiveness, resourcefulness and similar characteristics as pathological conditions. Overt and covert tactics are employed to encourage black women to speak "proper," softly and only when spoken to, to avoid taking credit for ideas and achievements, to be more concerned about appearance than taking care of business, to concentrate more on receiving chauvinistic generosity than on getting what we want and need for ourselves.

## II. RESPONSE STRATEGY: Forget it.

As Angela Davis and others have noted, the concept of a matriarchy, like the concept of a patriarchy, presumes the ability to control and exercise power; because all of us in the American black community have traditionally lacked power, the suffix "archy" cannot be applied honestly to any of our sub-groups. Although the image of the black woman as independent and action-oriented is not totally inaccurate, the interpretive stereotype appended to that image strays far from reality. Black people, men and women alike, can acknowledge without apologies the essential values our mothers lived by and cultivated and nourished in their sons as well as their daughters. The institution will attempt to deal with and pigeon-hole black women as creatures who at least ought to be docile, submissive, dependent and helpless. We must reject such efforts in favor of building on our strengths. A more lengthy discussion of the fallacious conclusions involved in the white-male-academician-contrived-myth of a black matriarchy is unnecessary. On the other hand, we will not and must not tear down black men in order to meet our needs as women. Instead, we must continue to develop and implement strategies which effectively fulfill our collective and individual needs as black women. We must complement the efforts of black men to meet their special needs as black men and work collectively with black men to meet our shared needs as black people.

## III. A QUESTION OF SURVIVAL: Don't they know I've got a story too?

Black studies and women's studies programs have become commonplace in recent years. Black studies curricula tend to emphasize the history, creations and concerns of black men; black studies departments are most frequently chaired by black men and include few black women on their faculties. Most women's studies curricula have been designed by white women and reflect primarily their history, creations and concerns although they do usually include token units on Third World women. Programs in each of these categories offer important and necessary alternatives to "traditional" social and hard sciences designed by white men to glorify themselves. Black women, however, seldom have the opportunity to exercise significant degrees of control over curriculum or faculty involved in relating the experiences of either blacks or women to students. The experiences of black women are seldom represented in institutional curricula.

## III. RESPONSE STRATEGIES: Tell it!

1. Discuss content of black studies and women's studies classes with students who have taken them. Go to the campus bookstore or the library and peruse the reading materials listed for such courses. If you find that the experience of black women is not adequately reflected in either program, try to interest a member of the faculty in helping you to remedy the situation. Present information you've gathered and try to interest the Black Student Union, black faculty groups and other black organizations on campus in proposing changes in the curriculum. To change a women's studies program, it would also be helpful to have the support of active campus groups of white women. Approach the question of representation of the black woman's experience in black studies curricula cautiously, but approach it. It can be highly inflammatory within the black community, both because of the combined influences of the matriarchy myth and the continuing debate about relevancy of the women's liberation movement concerns to black women. Do your homework before tackling this problem!

2. Even if the women's studies program on your campus includes a token course on Third World women, question whether the experience of black women is considered in other women's studies courses. Does the one course permit fair, or even adequate, reflection of the black female experience?

3. Select black women, their accomplishments and problems as subjects of term projects, papers and reports. Illustrate classroom discussions with examples from the lives and accomplishments of black women. You might even raise the consciousness of a professor and other students, and in time influence the inclusion of material on black women in the curriculum! In the meantime, expect to have some difficulty locating resource materials. They are more abundant in periodicals than in bound books. Check women's center collections as well as black history collections.

4. A pervasive deficiency in written material on the experience of black women is that very little of it reflects the black woman's own perspective. This renders the area fertile for research and writing by black female scholars. Most of the material now available was written either by black men or white women. Black women, especially graduate students, interested in producing works to fill this critical void might investigate fellowships offered in humanities and social sciences. Preliminary research could even be conducted within projects designed for undergraduate independent research and individual study courses.

5. Consider strategies discussed in the section of this report on "Organizing Women's Studies" for detailed approaches to getting the experience of black women formally reflected in the curriculum of your campus. However, avoid the implication that you're advocating establishment of a "Black Women's Studies" program per se. "Divide and conquer" is the institution's game; don't help them play it. Many would welcome opportunities to use demands for further specialization within women's studies and/or ethnic studies departments to justify submerging these under supposedly universal "traditional" disciplines.

6. Normally college catalogs, departmental brochures and class schedules include detailed outlines of what is required to complete each degree. Study these carefully and plan your program for a degree as well as the current term before your first visit to an advisor. Most advisors are likely to advise you to take the least complicated route to your chosen degree. Furthermore, most advisors are white men; they can hardly be the best judges of which elective units will be of significant value to you. Make it clear to your advisor that you know the requirements and have designed a program which fits them; you should have relatively little trouble getting approval for the courses you want to take. Plan to take at least an introductory course in black history regardless of your major. You may also choose to take a course in women's studies. These courses will help you identify general reference sources on black people and women.

## IV. A QUESTION OF SURVIVAL: Where can I hang my Ph.D.?

Educational institutions influence future generations largely through the role models they provide. From pre-school through the Ph.D., an American student's institutional companions include custodial and trades personnel, clerks, technical and research assistants and paraprofessionals as well as the professionals, administrators and faculty members who formulate institutional policies. Our other strategies will be most effective when significant numbers of black people, including black women, participate meaningfully in making and determining who else will make decisions which govern the academy. Higher education is a large employer in many categories and one of the major employers of college graduates—especially those with advanced degrees. Traditionally, black people have been virtually excluded from employment in the big business of higher education.

The American social upheavals of the 1960's increased the numbers of black students on many traditionally white university campuses. These students began demanding a black presence on faculties, black studies curricula and appointment of black administrators to run special advising and counseling, tutorial and financial aid programs. This growing black community was almost as heavily male as the white community of campus officials; of course, this was to be expected since one or more of the white officials exercised at least veto power over selection of each black! In the 1970's, however, the black community on campus has become more diffuse; factors which contributed to this trend include the following:

—Since the pressure is off, black studies courses are being cut or dispersed throughout various "traditional" disciplines. This reduces the need for black faculty and academic administrators and eliminates a potent pocket of black identity and solidarity.

—Special advising, counseling, tutorial and financial aid programs which used to serve primarily black students are being redefined so that much of their limited support can be diverted for serving middle income white students. Consequently, demands (which have diminished anyway!) to hire blacks to staff and administer such programs are regarded as less compelling than they used to be.

—As a result of external pressures for affirmative action, more blacks are being hired into entry level campus jobs. Obviously, this is not all bad. However, these jobs are often only masks for federal and state work-for-your-same-old-welfare-check schemes and—as gains—are more than offset by losses of administrative jobs. This pattern has not reduced—and in some cases may have even increased—the number of black faces on campus. It does reduce meaningful black power on campus as well as the number of salary dollars flowing from institutional budgets into the black community. Furthermore, to the extent that the new jobs are welfare reform masquerades, they often do not even meaningfully increase the incomes of the individuals they bring to join the campus staff!

—The proportion of black students is indeed decreasing! A report of the American Council on Education noted that during the year 1973, black students comprised 7.8 per cent of the total American college student population although in 1972, blacks had been 8.7 per cent of American college students.

—Black faculty members have typically been hired under temporary and part-time contracts which do not accrue credit toward tenure or permit participation in institutional governance. Consequently, many (often including those who identified more closely with black students than with their tenured and powerful white colleagues) were not granted contract renewals (translation: they were fired) when they were no longer needed to appease angry black student masses.

More than a small percentage of the positions which black people now occupy on campuses are still concentrated in special programs and black studies. Outside of these areas, black men have gained easier acceptance on institutional janitorial crews while black women now fill some of the less prestigious campus clerical positions. And still, we occupy only miniscule proportions of the more powerful positions on faculties, as chair-persons, deans, directors, assistants to the executives, assistant executives, professionals and high salaried business administrators; we still are not present on campus in significant numbers as research assistants, paraprofessionals, craft workers, administrative assistants, office managers or even secretaries to the white men at the tops of the organization charts.

It is essential that the names of black women as well as black men begin to show up opposite large as well as smaller numbers on college and university payrolls.

## IV. RESPONSE STRATEGIES: Liberate a wall.

### A. Affirmative Action

1. Since black women's infiltration strategies will often be met by institutional defenses shrouded in descriptions of federal requirements, one of your first strategies must be to thoroughly familiarize yourself with concepts, legislation, court precedents and executive orders pertinent to affirmative action in education. Review materials elsewhere in this report on "Women and the Law" and obtain the "Higher Education Guidelines–Executive Order 11246" which is available from the Public Information Office, Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C. 20201.

2. Develop good working relationships with the individuals and committees on your campus who are primarily responsible for affirmative action. (In some cases, an administrative type will serve as campus affirmative action official for support staff and administrative employment while a faculty member will be given released time to work as the affirmative action official for

support staff and administrative employment while a faculty member will be given released time to work as the affirmative action official for faculty employment. Similarly, there may be two affirmative action committees.) The affirmative action administrator on many campuses is a black man. On the other hand, although this is one of those special jobs which initially was targeted for black men, it is being filled with increasing frequency by white women and by men of Third World groups other than black. The ethnic identification and sex of the occupant of this position is often reflected in the emphasis of the campus affirmative action program. This person may be called the Affirmative Action Officer, Equal Employment Opportunities Coordinator, Director of Special Employment Programs, Community Relations Coordinator, Special Assistant to the President or some comparable euphemism. If there is no individual on your campus who has affirmative action as his or her primary responsibility, there's probably not much of an affirmative action program either. Getting such a program and position established would be an excellent project for a black women's group.

3. Your affirmative action coordinator will have descriptions of the campus work force by sex and race. He or she will also have information about which departments on campus black women are employed in and what kinds of jobs black women hold (and do not hold!) on campus. Usually, this information will be detailed in computer printouts. Get as much information as you can (the printout itself if possible), and do your own analysis of the campus employment situation. Published summaries and explanations will play up strengths and might ignore deficiencies; even the most committed affirmative action officials usually work hard to maintain the public image of their institutions. Once you have the facts, you can help assure that affirmative action is taken by spreading the word about what departments and kinds of jobs on campus are most vulnerable. Your most important tasks will be to gather information and push. Academic institutions, like other bureaucracies, seldom change their images and operational styles significantly unless they are pressured to do so. And government compliance agencies enforce laws and orders which require social change only as vigorously as they are pushed to do so.

4. As in many other special programs, black women are often overlooked in affirmative action. If you find this happening on your campus, insist that special goals be set to assure that black women are included in the full range of occupations, salary levels and organizational units on campus; there are provisions in affirmative action requirements which will support such efforts [see Revised Order No. 4, Subpart B, paragraph 60-2.12(k)]. However, watch to see that the institution does not meet your demand solely

by redesignating part of the goal previously set for "blacks." They must also redesignate part of the goal previously set for "women."

There has been considerable controversy over whether this approach does not give the institution a bonus by permitting it to double-count black women. In a sense, it does do this; however, the count for minorities and the count for women are not to be totaled together. Black women have been at least doubly penalized by the institution. Any danger of the double count resulting in black women getting more than a fair share of academic jobs is so remote that it hardly deserves our attention. When we get close to going over the top, perhaps then and only then should we bother to debate the efficacy of our being acknowledged in affirmative programs as what we are–black women. We can and must work together with black men to assure that the double count for black women is not used to minimize the need for hiring of black men at all levels and throughout the institution. Some employers may try to rationalize an almost exclusive emphasis on hiring of women under their affirmative action goals for blacks since such an approach would concurrently move them toward fulfillment of their goals for women. It is interesting to note that with only a slightly modified twist, this rationale could, but is unlikely to, be used to justify almost exclusive hiring of Third World women under the institution's goal for women–such an approach would facilitate meeting of goals for women and goals for minorities simultaneously!

5. Pay attention to the population base your institution uses for setting affirmative action goals. One college in suburban Los Angeles established goals based on the population of the small city in which it is located although its current employees reside in a much wider area. Use of this particular population base enabled the college to set its goal for blacks at 1 per cent! Many academic institutions are located within reasonable commuting distances but outside the official city limits of major metropolises. Major cities in the north, east and west are increasingly becoming black population centers. We cannot afford to permit these cities to be excluded from population bases upon which institutions establish their affirmative action goals.

6. Avoid prolonged debates about the desirability of "quotas" and about whether affirmative action constitutes "reverse racism." While working as the affirmative action coordinator for a large multi-campus west coast college system, one sister devised the tactic of responding affirmatively when asked whether affirmative action does not in fact amount to "reverse discrimination." She then would elaborate using the word "reverse" as a verb (instead of as an adjective as the questioner intended it) and proceed immediately to more productive considerations. It's an effective tactic and provides

much food for thought!

7. Affirmative action is as complex as it is controversial. The laws and orders which command it permit a high level of administrative foot-dragging and contain numerous loopholes. The compliance agencies responsible for enforcing it are cumbersome bureaucracies. Under their affirmative action programs, educational institutions are supposed to demonstrate "good faith." Through past experience, most of us have become adept at differentiating between good faith efforts and snow jobs. Put this ability to use in monitoring institutional affirmative action programs and scream when you note the absence of good faith!

### B. Infiltrate

1. Black women in the academic hierarchy–especially faculty members, professionals and administrators who have hiring authority–can and must use their positions to open doors for other black women as well as black men. Usually, institutional associates look askance at the operations of a black administrator who staffs his or her (usually small) office primarily or totally with other blacks. Despite affirmative action, similar subtle–and not so subtle–pressures are seldom directed toward small all-white offices. Blacks with hiring authority need to lead the way toward affirmative action by taking full advantage of each opportunity to bring additional blacks into the campus community. In carrying out this mission, arrogance (in the name of affirmative action if you need a crutch) seems more appropriate than defensiveness and the hiring of token whites.

2. Academicians revere degrees. It is neither accidental nor uncommon that the English Department Chairman recruiting for a secretary looks for and hires someone with at least a B.A.–or better yet an M.A., and preferably in English–although the job to be filled involves mostly typing, dictation, filing and answering phones. This pattern creates problems for black women who possess degrees as well as for those who do not. We are encouraged by placement counselors to accept such positions and wait for the opportunity to move up since the "University has a policy of promotion from within." Of course, the promotion from within policy seldom helps an employee cross the broad chasm between the lowly clerical caste reserved for women and the well-paid prestigious faculty, administrative and professional castes. Carefully research the institution's past performance on the promotion policy before buying this line. Ask the counselor when he or she last recommended that a male graduate take a low-salaried clerical job so he could "be promoted from within!"

3. To keep abreast of employment possibilities on the campus, develop contacts at least in the office of the Dean of the Faculty and in the non-academic (also called staff, classified, civil service or support staff) personnel office as well as in the placement office. Contacts in the payroll office and the budget office are also desirable. There may be black women working in clerical or other jobs in such offices. Get to know them. Let them know your objectives and information needs.

4. If you are a student who needs or chooses to work, consider applying for jobs on campus. Many part-time office and laboratory jobs exist on most campuses in addition to those specifically designated for students (usually called student assistants, work-study, etc.). Part-time jobs not specifically designated for students usually pay more and may be a bit less boring than student assistant jobs. Working on campus may be more convenient and cheaper (although salaries may be a bit lower) than going to work elsewhere. Also, an alert student who works in an office on campus can gain a campus perspective which other students miss. This perspective can be particularly useful if you plan to seek employment as a faculty member or administrator on a campus after finishing your degree.

5. Black women must not be limited by distorted allegations that by demanding good jobs for ourselves, we limit opportunities for black men. Do not hesitate to aggressively seek any job you want and think you have any chance of getting. A number of campus jobs formerly reserved for men are now being opened to female applicants. Most of the women being hired into these jobs are white, and the jobs typically pay more than the kinds of jobs traditionally reserved for women. You cannot assure by not applying yourself that a black man will get any specific job unless you are personally involved in making the hiring decision.

## Organizing Strategies, Communication and Resources

It is most important that we develop strategies for building communication chains which link black people affiliated with the institution, regardless of the roles in which others encourage us to define ourselves. Black staff, black administrators, black faculty, black students and black residents of the area around the campus—men and women alike—have legitimate concerns about opportunities available and the welfare of black people in all of our institutional roles. A major problem for black women as well as black men trying to function effectively in the academic setting results from lack of personal or even second-hand experience within colleges and universities.

Knowledge about the institution is perhaps the most valuable tool you can have in trying to manipulate it.

Increasing participation of black people at significant levels within your campus decision-making hierarchy will require a good deal of planning, job candidate grooming, program development and information about the institution's administrative, faculty and student hierarchies. In each of these areas, your best source of information will be individual blacks whose roles are carried out in that area. Administrators and staff employees will possess or have access to information about the administrative/bureaucratic structures of the campus—manuals, personnel policies and procedures, budgets, information on procurement of equipment and supplies, etc. Students will have information about course content and professorial styles. Faculty members will have access to information about departmental politics, research possibilities and academic governance. Establishment of a black grapevine is critical, because we all need this information and because "divide and conquer" is one of the institution's most potent defenses against our individual advances upon the ivory tower.

On most campuses where there are black students, there is a Black Student Union or similar organization; also, there may be black fraternities and sororities or associations of black students majoring in specific areas—black studies, education, psychology, sociology, etc. As students, black women can work through or expand these organizations to more effectively involve the total black community with the institution. Often, you will find that there are no organizations of black staff and administrators or even faculty. When this is the case, an existing black student group should consider expanding its membership base and, if necessary, its objectives to fill the need for bringing together the black community on campus. If this approach is taken, it will be very important that you actively recruit and welcome black faculty, administrators and especially staff into your meetings and other activities. As the campus role group with least status, the staff typically will be least likely to get involved in student or faculty activities unless specifically invited to join—the staff is used to being left out! The importance of including those black women on support staff cannot be overstated. While staff recognize that they are the most invisible segment of the campus community, their impact on policy can be considerable since they are primary information sources for the administrators and executives who make such decisions. The knowledge, advice and suggestions of staff people will be invaluable to you in establishing communication links among black people in various roles on your campus.

We must come together in formal and informal groups and share information we have gained about the institution from the perspectives of our various roles. We must find ways to include in our circle even blacks the institution uses as its shills for they may have more access than others to information about the institution.

Most affirmative action compliance agencies of the federal and state governments hire a number of blacks and women, including black women. Get to know some of these black women. They can and usually will give you information and assistance on strategies that work. Usually, you'll find that women who occupy such jobs are active in "respectable" community women's and/or black organizations. For example, in San Francisco a single group, Black Women Organized for Action (BWOA), includes high level compliance officers and executives from both the federal Equal Employment Opportunities Commission and Department of Health, Education and Welfare as well as affirmative action officials of various business firms, state and local governments and universities. Affiliation with such a group will give you a powerful constituency to refer to in dealings with your institution, an information and advice source and access to the press. BWOA, for example, is less than two years old but has been covered by national magazines and is regularly mentioned in the local press.

On another front, some of our most severe difficulties result from lack of direct experience with the peculiar foibles of educational institutions in combination with inadequately developed basic learning tools–reading, writing and arithmetical skills and study discipline. At just about the time that black admissions began to increase, the most prestigious public colleges and universities began replacing traditional "bonehead" English composition and math classes in their standard curricula with volunteer tutoring programs completely outside regular academic schedules, class load and credit structures. As militancy on campuses decreased, even these programs became progressively weaker and rarer. (The timing of these moves could lead us to believe that this was part of a planned failure scheme! Why were "bonehead" courses within the regular collegiate structures not considered totally inappropriate when the students they served were primarily white men?) But we have a need which must be met. Consequently, those of us who have sound basic learning skills cannot afford to bask in the questionable glory of being exceptional black folk. Instead, we must reach out as individuals and in organized programs to help our sisters and brothers of all ages and of both sexes to develop such skills.

We must force academia to change its ways of relating to and dealing with us. Especially in the so-called public institutions, we must effectively demand and get our share of available places—in student bodies, on faculties, on support staffs and in administrative and executive offices. As we increase our numbers within academic institutions we must effectively make our presence known. We must assure that adequate resources are allocated for serving our needs, and we must exercise the control necessary to assure that standard operating procedures are not effectively used to invalidate our achievements. The ultimate change that many of us desire cannot be effected through revising the American system to accommodate us, or through revising us to accommodate the American system. Therefore, we must focus both on strategies which expand opportunities to build ourselves as individuals and as a people and on strategies for restructuring American institutions.

# RESOURCES

## TOOLS

1. *How to Research the Power Structure of Your University (or College)* by Bert Marian; available from Study Commission on Undergraduate Education and the Education of Teachers.

2. *Academic Women, Sex Discrimination, and the Law–An Action Handbook* prepared by Adrian Tinsley and Elaine Rueben for the Modern Language Association (MLA) Commission on the Status of Women.

3. *Higher Education Guidelines–Executive Order 11246*; available from U.S. Department of Health, Education, and Welfare, Public Information Office, Office for Civil Rights, Washington, D.C. 20201.

## STRATEGIES

1. "Black Academic Activism" by Jack L. Daniel in the *Black Scholar*, January, 1973.

2. "The Battle for Black Studies" by Nathan Hare in the *Black Scholar*, May, 1972.

3. "Affirmative Action for Quality Education" by Elizabeth F. Hood in *The Crisis*, March, 1973.

4. "Towards A New Beginning–Crisis and Contradiction in Black Studies" by James McGinnis in *Black World*, March, 1973.

## FOOD FOR THOUGHT

1. The *Black Scholar*, March-April, 1973, issue–The Black Woman.

2. "Access and Power for Blacks in Higher Education" by William M. Boyd, II; available from Educational Policy Center, 400 Madison Avenue, New York, New York 10017.

3. "Reflections on the Black Woman's Role in the Community of Slaves" by Angela Davis in the *Black Scholar*, December, 1971.

4. "Black and Female: the Double Whammy" by Cynthia Fuchs Epstein in *Psychology Today*, August, 1973.

5. "Liberation . . . for Half A Race?" by N.M. Guili in *The Crisis*, May, 1971.

6. "The Lofty Role of the Black Grandmother" by Faustine C. Jones in *The Crisis*, January, 1973.

7. *Tomorrow's Tomorrow* by Joyce A. Ladner (1971).

8. "The Black Woman Graduate Student" by Grace E. Mack in *Women on Campus: 1970–A Symposium*; available from University of Michigan, Center for Continuing Education for Women, Ann Arbor, Michigan.

9. *Report of the First National Congress of Black Professionals in Higher Education (1972)*; available through Dr. Melvin Sikes, c/o Hogg Foundation for Mental Health, Box 7998, University Station, Austin, Texas 78712.

10. "Dilemma of Black Students at Small State Colleges" by Walter A. Simon in *The Crisis*, November, 1973.

## CONTACTS

1. Black Women's Community Development Foundation
1028 Connecticut Avenue, N.W.
Suite 1010
Washington, D.C. 20036
(Ms. Inez Smith Reid, Executive Director)

2. Black Women Organized for Action
Post Office Box 15072
San Francisco, California

3. National Black Feminists Association
370 Lexington Avenue
New York, New York

4. Ms. Shirley McCune
Division of Teacher Rights
National Education Association
1201-16th Street, N.W.
Washington, D.C. 20036

5. Ms. Carmen Maymi
Women's Bureau
U.S. Department of Labor
711-14th Street, N.W.
Washington, D.C. 20210

6. Women's Committee
U.S. Civil Rights Commission
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

# DIFFERENTIALS BY SEX

**Barbara Yates**

# DIFFERENTIALS BY SEX

Women have been fighting publicly for equality for at least a decade; one would therefore think that society would be beginning to change, and certainly in the crucial area of education. Yet the situation on campuses has been getting steadily *worse* for years. The proportion of women on faculties has steadily dropped since World War II, from a third of the total positions in 1870 to less than one-fourth today. In many of the prestigious colleges, women represent less than 10 per cent. Many institutions have fewer women *now* than they did in 1930.

Bernice Sandler, Executive Associate and Director of the Project on the Status of Women for the American Association of Colleges, has reported on the extensive hearings on discrimination against women held by Edith Green, then Chairwoman of the House Special Subcommittee on Education.[1] These hearings documented a widespread and massive pattern of discrimination against women at every level, and confirmed what many academic women had known for years: things are very bad, and they are getting worse not better. Women suffer discrimination in higher education at every step of their careers because of their sex. Until recently this discrimination has gone unchallenged, women being intimidated into silence.

## Salaries Not Equal

Nothing is more clear-cut than the discrimination women experience with salaries. In nearly every aspect of the work force, women not only do *not* receive equal pay for equal work, but are systematically channelled into the lowest-paying jobs. In institutions of higher education, women still are in the intolerable and unjustifiable position of being paid considerably less than men with the same qualifications, experience and rank.

Institution-wide studies made by Lora H. Robinson for the ERIC Clearinghouse on Higher Education show conclusively that women are consistently paid at a lower pay scale than their male colleagues for the same work. The studies included National Education Association published salary figures by sex, data on total income by Bayer (1970), samplings of science doctorates by Bayer and Astin (1968), a study on women PhD's by Henderson (1967), by Simon and Rosenthal (1967) and Simon, Clark and Galway (1967). Individual studies at Columbia University, Connecticut College, Kansas State Teachers College, University of Minnesota, University of Southern

Florida, University of Oregon, University of Indiana and on ad nauseum document lower pay scales across the board, with discrepancies reaching as much as $5,600 for the rank of full professor.[2]

### Hiring Policies Discriminatory

Women are frequently considered poor employment and educational risks by college administrators because they usually marry and have children. But having children would not necessarily keep women from working, if institutions provided maternity leave, adequate child care and an abolition of any *de facto* nepotism rules. According to Helen Astin in *The Woman Doctorate*, administrators perpetuate the myth of women opting out of their careers. She reported 91 per cent of women doctorates were working, 81 per cent full-time; 79 per cent had not interrupted their careers in the ten years after obtaining the doctorate. (Only 81 per cent of all men are in the work force. Of men with doctorates, only 69 per cent work full-time in their field of study. For a breakdown by fields, see Table 1 at the end of this chapter.)

The percentage of women graduate students is now *less* than it was in 1930. Women faculty have declined proportionately in the post-World War II era. The status of women is worse at the more prestigious institutions. Women are far more likely to end up at the lesser known colleges and junior colleges, where they constitute 40 per cent of the faculty, and where there is less chance for research and advancement. Saying women will more likely "choose" such a position would be like saying, "a black person is more likely to choose Howard than Harvard."[3]

Academic policies are discriminatory in their effect. Nepotism rules exist in most institutions and systematically act to keep women from holding jobs. When the rules are waived, it is often to hire women on a temporary basis at a lower rate of pay, with no possibility of tenure and no fringe benefits. If women apply to institutions and their husbands have no position yet, invariably institutions will not hire them, no matter what their qualifications, because "it would be best for their marriage."

In addition to discriminatory policies in hiring, criteria for promotions also discriminate against women. Robinson notes that because women lean more heavily toward teaching than research than do men (Bayer, 1970) they are penalized in the publish or perish world of promotion and tenure. She further notes that even once publication rates and other significant criteria are taken into account, women will still have lower status (Simon and

Rosenthal, 1967, or Simon, Clark and Tifft, 1966). Robinson further cites a study at the University of Illinois which shows the rate of advancement for women is slower than it is for men.[4]

Women are also subjected to discrimination and tokenism in administrative positions. Ruth Oltman's study "Campus 1970: Where Do Women Stand?" found that university and college administrators were quick to answer that it was their policy to include women in top-level positions (with reservations expressed by institutions with enrollments over 10,000), but in reality, quite another picture emerges. Women are conspicuously absent from administrative positions; they are working at jobs requiring skill and attention to details, but have little power in policy-making. Most often they are in middle-management positions (e.g., Program Advisor to the Dean of Students) or positions related to sex stereotypes, such as Home Economics Dean or Dean of Nursing.

## Some Positions Reserved for Men

The study shows that women have a greater chance for administrative positions at women's colleges and institutions with enrollments under 1,000. Women usually occupy such positions as Dean of Women, Head Librarian, Director of Finances or Director of Counselling. Positions such as President, Vice-President, Business Manager or Public Relations Director are almost exclusively reserved for men.

> We are hearing more and more about the appointment of women trustees in our colleges and universities but they still are not represented fully as they should be in view of enrollment of women and number of alumnae, particularly at the large public universities. Twenty-one per cent of the schools surveyed had no women trustees and the percentage in this category is much higher for institutions with over 10,000 enrollment (32 per cent), public schools (26 per cent), and coeducational schools (24 per cent).
>
> Twenty-five per cent of the total sample have a token woman on the board, with the percentage of those having only one woman again shown as much higher at large public schools. Sixty-six per cent of the women's colleges and 16 per cent of the schools with under 1,000 students have six or more women trustees, but only 2 per cent of schools with 10,000 or more students and 3 per cent of the public institutions. The overall governance

> of an institution is obviously reflected in its policies. Does the lack of women in the top governing board have a relationship to some of the differentials among institutions which have been previously noted? This is an area meriting further research.[5]

Another powerful force for keeping woman in her place is the "arteriosclerotic tenure system."[6] Tenure is most often granted at the associate and full professor level, with limited tenure granted to assistant professors. If one takes the model for tenure as being granted at the associate professor level, the figures on rank would show that women usually make up less than 25 per cent of the tenured faculty.

> But statistics from Bayer's study (1970) indicate it is misleading to take the upper two ranks as indicative of tenure. While 25.1 per cent of the women are in the ranks of professor and associate professor, 37.5 per cent report having a regular appointment with tenure. Comparable figures for men are 46.4 per cent and 48.8 per cent. . . . Rejecting the notion that tenure is automatically conferred with a given rank leaves two means for determining tenure: (1) the direct mention of the rank at which tenure is achieved at a given institution or (2) separate tenure figures presented by sex. In the 12 cases in which the percentage of women and men who held tenure could be computed, there was no instance in which women holding tenure had equal or greater percentages than men. Differences between the percentages for tenured males and tenured females ranged from a low of 8 to a high of 40 percentage points.
>
> Tenure and rank, along with part-time appointments, are elements often used in discussions of the "fringe" status of women faculty members. Together or independently, they are used to support claims that women are in positions which do not provide for their inclusion in the regular workings of the academic community. The claim is not an uncommon one (for a general discussion, see Bernard, 1964; Simon and Rosenthal, 1967; Rossi, 1970a; the University of Chicago, and the University of Oregon.)[7]

What must be taken into account is the arbitrary method by which promotions are made. In many institutions, the full professors meet secretly and decide who they will confer rank upon. Since most of the full professors are males, one might be a little cynical about fairness in promotion to tenured ranks for women.

## Admission Affected by Sex

Bernice Sandler has commented extensively on the discrimination against women found in admissions practices:

> Discrimination against students is equally widespread. Girls need higher grades and higher test scores to get into colleges. Although the percentage of women undergraduates has been increasing since the 1950's so that it is now 41 per cent, it is still less than the percentage of women undergraduates that we had in 1920, when girls were 47 per cent of the undergraduates, or in 1899, when 53 per cent of all undergraduate degrees went to women. Oberlin, which was the first college to admit women in 1837, has a lower proportion of women students now than it had in its undergraduate class of 1899. Penn State University is not unusual with its artificial quota of two and a half men to every woman.
>
> About 75-90 per cent (depending on the particular study) of the well-qualified students who do not go on to college are women. The proportion of boys who make it to college despite high school grades of C or lower, is double that for girls, 40 per cent to 20 per cent. In one study done by researchers at the University of Wisconsin, bogus applications were sent to 240 institutions, with the sex of the applicant varying, so that in some instances the applicant was listed as male, and in others, female. Males were preferred over females, particularly at the low ability level. At the high ability level there was little difference—at the undergraduate level the exceptionally gifted woman will not face very much discrimination in admission. But since most students are not exceptionally gifted, and indeed more students are in the "low ability" group, it is clear that many women are discriminated against in admission. Essentially, many institutions place a ceiling on the number of qualified women they will admit, while permitting admittance of men with lower qualifications. One woman bitterly phrased it this way: "Admission to college is not based on ability only, *but also on the particular set of reproductive organs that one possesses.* Such artificial quotas based on sex hurt women just as much as artificial quotas based on race hurt minorities."[8]

Various justifications are used to deny women admission and, once they are admitted, to provide them with unequal services and little encouragement. Such excuses include the lack of "proper" dormitory facilities, the myth that women have a higher attrition rate than men, the myth that men do better in school. Women have consistently been *discouraged* by counselors and others from pursuing professional careers. Such practices are reflected in admissions and hiring policies of professional schools such as law and medicine.

**Professional Schools: Law.**[9] Discriminatory hiring policies of the law schools may be revealed by the number of faculty members. The White study showed in 1966 that of approximately 2,335 teaching faculty members in 134 accredited law schools there were but 51 full-time teaching women faculty in 38 law schools, or about 2 per cent of the total. From the 1969-70 Directory of Law Teachers it can be shown that there are now 53 such full-time teaching women faculty in 45 law schools out of a total of 144 accredited law schools.

If law schools discriminate in hiring, [illegible]t type of admission or recruitment policy can be expected towards wome[illegible]

Law schools do not actively recruit at women's colleges. In a recent *American Bar Association Journal* article it was noted that "although no law school uses either a formal or informal quota system to limit the number of females enrolled, they do admit to scrutinizing female applicants more closely for ability and motivation."

All law schools are now opened to women. Harvard University did not admit women until 1950, nor were all Washington, D.C. law schools open until 1951. Even in the last decade some law schools were closed to women. The World War II era brought about an opportunity for women to enter the law schools in increased numbers, but that trend abated and turned downward when the 1950's found fewer women in the law schools.

While most women graduates practice full-time after leaving law school, they vary considerably from men in the type of job they may undertake.

About 25 per cent of both men and women found their first jobs with firms of 4 or under and only slight differences in the percentage of men and women being employed by the federal government or law firms of over 30. However, men far exceeded women in obtaining a position with a firm in the 5 to 30 man category and conversely women were predominant employee percentagewise in state and local government positions. Many times a large firm will hire a woman attorney to do research, work in the library or do various specialized roles. Law schools are in their own realm basic employment agencies and have an obligation to eliminate discrimination by firms using their facilities.

Why does a firm consider it imperative to discriminate based on sex? Some of the myths offered in response are that women will marry (they do—approximately 70 per cent) and have children and thus cease working. But some studies indicate that marriage alone does not usually cause a woman who is working to cease working. Only 6 per cent of those in the ten-year sample of our study indicated that they left to get married.

Another fallacy is that based on intelligence. Samples have shown that neither the total of female graduate nor the full-time employed females considered separately differed significantly from their counterparts in class rank or law review participation. In job length off service the women and men both changed jobs quite frequently. As time out of law school extends (7 years or more), the woman is the one who remains at a job for a longer period of time.

What has this nation's court system done to aid the proportion of women in the professions which are lower here than in most developed countries in the world?

A fairly recent case brought under Title VII of the Civil Rights Act was brought by a woman attorney employee of a bank urging that the bank discriminated against her in her professional capacity. The underlying charge was filed by a woman attorney, formerly employed in the bank's law division, who alleged that male lawyers at the bank were paid higher salaries than she for comparable work, and held corporate titles which were denied to her. Herein the court action involved the obtainment by discovery of some particular bank records. The decision was adverse to the EEOC, which acts in these cases as a conciliator.

EEOC rulings under the Civil Rights Act have stated that an employer cannot refuse to employ married women or women with children unless he has a similar policy for men. When the EEOC is unable to achieve conciliation of a case, it is up to the alleged victim of discrimination to secure an attorney and institute suit in the federal district court.

The Commissioner's view that sex is rarely a bona fide qualification for a job was adopted in *Weeks v. Southern Bell Telephone & Telegraph Co.*, 408 F.2d 228 (1969) and subsequently court decisions have adopted this approach.

In contrast, a 5th Circuit Court of Appeals ruling in *Phillips v. Martin Marietta Corp.* found that an employer could lawfully refuse to hire women with pre-school age children although it hired men with such children. A petition of certiorari was filed and granted. In support of this petition the Department of Justice filed an *amicus curiae* brief, marking the first time such a brief has been filed in a case on sex discrimination.

**Professional Schools: Health.**[10] In 1966, there were an estimated 2.8 million workers in the health professions; by 1975 the total needed is expected to increase to between 3.7 and 4.0 million. This would amount to a net increase of between 100,000 and 130,000 health workers a year in the decade ending in 1975.

These projections indicate a need for between 93,000 and 128,000 additional physicians, or an increase of between 31 and 43 per cent, in the next ten years. This increase in demand for physicians is at about the same rate as for all health workers.

The number of women applying for admission to U.S. medical schools more than tripled between 1929-30 and 1965-66, while the number of men applicants increased by 29 per cent. But the percentage of women applicants accepted by these medical schools was less in 1965-66 (48 per cent) than in 1929-30 (66 per cent) after dropping to a low of 31 per cent in 1950-51 following World War II.

Women accounted for a larger proportion of the acceptances in recent school years than back in 1929-30 and 1935-36. But the percentage of women accepted into medical schools has tended to relate consistently to the proportion of total applicants who are women. Thus women comprised 3.5 per cent of the applicants and 4.5 per cent of the acceptances in 1929-30. Similarly they comprised 9 per cent of the applicants and 8.9 per cent of the acceptances in 1965-66. (See Table 2).

The number of women students in medical schools almost tripled between 1930 and 1967. During the same period there was a similar increase in the number of women graduates. A comparison of women as per cent of all students and as per cent of all graduates in one year shows, for the most part, only a slightly smaller percentage of women graduates. The outstanding exception to this general rule was in 1949 and 1950 when the percentages of women graduates was unusually high reflecting the increased enrollments of women in medical school immediately following World War II. (See Table 3.)

At the beginning of World War II, women comprised 10 per cent or more of all students in 4 U.S. medical schools. At the end of World War II and for the next three school years a considerably larger number of schools had this high a proportion of women among its students–ranging from 18 in 1945-46 to 31 in 1947-48. With the return of veterans to school, the number of U.S. medical schools in which women were 10 per cent or more of the students dropped to 2 in 1951-52 and 1952-53. It was not until the 1960's that more than 4 schools had this high a proportion of women among its students. In 1966-67, women made up 10 per cent or more of the student body of 18 U.S. medical schools.

The trend is similar in relation to number of U.S. 4-year medical schools where women made up 10 per cent or more of the graduates. The peak number was 42 in 1948-49. There has also been an acceleration in the 1960's. In 1966-67, women constituted 10 per cent or more of the graduates in 18 4-year medical schools. (See Table 4.)

In 1966-67 there were 89 medical schools in operation in the United States. All but 5 of these schools had a full 4-year approved program. The total enrollment was 30,652 with 2,771 or 8.3 per cent women. All of the schools admitted women but one school, Woman's Medical College, admitted no men.

In three coeducational schools women were about one-fifth of the total students–University of Puerto Rico, Howard University and Rutgers State University. (The latter school had less than a 4-year program in 1966-67.) In 14 other schools, women constituted between 10 and 15 per cent of the students. At the other end of the scale, women were less than 5 per cent of the total in 17 schools.

The proportion of women students had more than doubled between 1956-57 and 1966-67 at 12 coeducational medical schools. On the other hand the proportion of women among all students had dropped in another 12 schools with the largest decrease in the Medical College of Alabama–2.2 per cent in 1966-67 as compared with 7.4 per cent in 1956-57.

A total of 583 women graduated from 83 U.S. medical schools in 1967. They constituted 7.5 per cent of all graduates.

## FOOTNOTES

[1] Bernice Sandler, "Project on the Status and Education of Women," Association of American Colleges, 1818 R St., N.W., Washington, D.C. 20009.

[2] Lora H. Robinson, ERIC Clearinghouse on Higher Education.

[3] Pauline Bart, "The Gilded Cage to the Iron Cage."

[4] Robinson, p. 8.

[5] Ruth M. Oltman, "Campus 1970: Where Do Women Stand?" p. 21.

[6] Ann Scott, "The Half-eaten Apple," *Reporter,* May 14, 1970, p. 9.

[7] Robinson, p. 6.

[8] Bernice Sandler, Address to the Annual Meeting, Association of American Colleges, January 11, 1972.

[9] Sandler, "Project on the Status and Education of Women."

[10] Sandler, "Project on the Status and Education of Women."

## TABLE 1

### Proportion of Doctorates Earned by Women, by Area and Field, 1960-69
(Source: Council for University Women's Progress,
University of Minnesota)

| | Total Number of Doctorates Earned 1960-69 | Total Number of Doctorates Earned by Women 1960-69 | Percentage of Doctorates Earned by Women 1960-69 |
|---|---|---|---|
| Agriculture, Total | 4,462 | 79 | 1.77 |
| Agriculture, General | 115 | 1 | .87 |
| Agronomy, Field Crops | 966 | 5 | .52 |
| Animal Science | 872 | 21 | 2.41 |
| Dairy Science | 262 | 4 | 1.53 |
| Farm Management | 13 | 0 | .00 |
| Fish, Game or Wildlife Management (1961-1969)[1] | 209 | 2 | .96 |
| Food Science | 385 | 16 | 4.16 |
| Horticulture | 539 | 11 | 2.40 |
| Ornamental Horticulture | 14 | 0 | .00 |
| Poultry Science | 211 | 7 | 3.32 |
| Soil Science | 568 | 2 | .35 |
| Agriculture, All other fields | 308 | 10 | 3.25 |
| | | | |
| Architecture | 50 | 4 | 8.00 |
| | | | |
| Biological Sciences, Total | 17,708 | 2,448 | 13.82 |
| Premedical, Predental and Preveterinary Sciences | 25 | 2 | 8.00 |
| Biology, General | 1,949 | 395 | 20.27 |
| Botany, General | 1,653 | 186 | 11.25 |
| Zoology, General | 2,262 | 318 | 14.06 |
| Anatomy and Histology | 633 | 116 | 18.33 |

## TABLE 1 (Continued)

| | Total Number of Doctorates Earned 1960-69 | Total Number of Doctorates Earned by Women 1960-69 | Percentage of Doctorates Earned by Women 1960-69 |
|---|---|---|---|
| Bacteriology, etc.[2] | 2,096 | 355 | 16.94 |
| Biochemistry | 2,695 | 471 | 17.48 |
| Biophysics | 429 | 32 | 7.46 |
| Cytology | 30 | 9 | 30.00 |
| Ecology (1961-1969 only) | 37 | 2 | 5.41 |
| Embryology | 45 | 11 | 24.44 |
| Entomology | 1,097 | 46 | 4.19 |
| Genetics | 672 | 61 | 9.08 |
| Molecular Biology (1968-1969 only)[3] | 32 | 6 | 18.75 |
| Nutrition (1961-1969 only) | 156 | 45 | 28.85 |
| Pathology | 271 | 15 | 5.54 |
| Pharmacology | 783 | 87 | 11.11 |
| Physiology | 1,145 | 168 | 14.67 |
| Plant Pathology | 692 | 19 | 2.75 |
| Plant Physiology | 203 | 12 | 5.91 |
| Biological Sciences, All other fields | 803 | 92 | 11.46 |
| Business and Commerce, Total | 3,046 | 86 | 2.82 |
| Business and Commerce, General | 1,372 | 33 | 2.41 |
| Accounting | 268 | 18 | 6.72 |
| Finance, Banking (1967-1969 only)[4] | 53 | 1 | 1.89 |
| Marketing (1967-1969 only)[5] | 66 | 1 | 1.52 |
| Real Estate, Insurance (1967-1969 only)[6] | 2 | 0 | .00 |
| Transportation (1967-1969 only) | 7 | 0 | .00 |
| Business and Commerce, All other fields | 1,278 | 33 | 2.58 |
| City Planning (1966-1969 only)[7] | 44 | 2 | 4.55 |
| Computer Science and Systems Analysis, Total (1964-1969 only)[8] | 158 | 4 | 2.53 |
| Computer Science | 99 | 3 | 3.03 |

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TABLE 1 (Continued)

| | Total Number of Doctorates Earned 1960-69 | Total Number of Doctorates Earned by Women 1960-69 | Percentage of Doctorates Earned by Women 1960-69 |
|---|---|---|---|
| Systems Analysis | 22 | 1 | 4.55 |
| Computer Science and Systems Analysis, All other fields | 37 | 0 | .00 |
| Education, Total | 26,369 | 5,230 | 19.83 |
| Physical Education | 1,143 | 313 | 27.38 |
| Health Education | 88 | 26 | 29.55 |
| Recreation | 30 | 4 | 13.33 |
| Education of the Mentally Retarded | 118 | 36 | 30.51 |
| Education of the Deaf (1964-1969 only)[9] | 6 | 4 | 66.67 |
| Speech and Hearing Impaired | 339 | 67 | 19.76 |
| Education of the Visually Handicapped (1964-1969 only)[10] | 3 | 1 | 33.33 |
| Education of the Emotionally Disturbed (1965-1969 only)[11] | 24 | 6 | 25.00 |
| Administration of Special Education (1968-1969 only)[12] | 14 | 4 | 28.57 |
| Education of Other Exceptional Children[13] | 391 | 126 | 32.23 |
| Agricultural Education | 228 | 2 | .88 |
| Art Education | 194 | 52 | 26.80 |
| Business or Commercial Education | 300 | 89 | 29.67 |
| Distributive Education, Retail Selling | 28 | 6 | 21.43 |
| Home Economics Education | 124 | 123 | 99.19 |
| Industrial Arts Education, Nonvocational | 224 | 1 | .45 |
| Music Education | 548 | 75 | 13.69 |
| Trade or Industrial Education, Vocational | 181 | 8 | 4.42 |
| Specialized Teaching Fields, All other | 756 | 261 | 34.52 |
| Nursery or Kindergarten Education | 14 | 12 | 85.71 |
| Early Childhood Education | 22 | 20 | 90.91 |
| Elementary Education | 1,199 | 459 | 38.28 |
| Secondary Education | 966 | 154 | 15.94 |

## TABLE 1 (Continued)

| | Total Number of Doctorates Earned 1960-69 | Total Number of Doctorates Earned by Women 1960-69 | Percentage of Doctorates Earned by Women 1960-69 |
|---|---|---|---|
| Combined Elementary and Secondary Education | 21 | 4 | 19.05 |
| Adult Education | 303 | 46 | 15.18 |
| General Teaching Fields, All other | 445 | 97 | 21.80 |
| Education Administration, Supervision Finance[14] | 7,242 | 931 | 12.86 |
| Counseling and Guidance | 2,357 | 488 | 20.70 |
| Rehabilitation and Counselor Training (1964-1969 only) | 80 | 14 | 17.50 |
| History of Education, etc. (1964-1969 only)[15] | 488 | 99 | 20.29 |
| Education, General | 6,286 | 1,183 | 18.82 |
| Educational, Psychology (1964-1969 only) | 875 | 224 | 25.60 |
| Physical Education, Nonteaching (1964-1969 only) | 36 | 9 | 25.00 |
| Education, All other fields[16] | 1,296 | 286 | 22.07 |
| Engineering, Total[17] | 18,572 | 82 | .44 |
| English and Journalism, Total | 6,471 | 1,541 | 23.81 |
| English and Literature | 6,322 | 1,523 | 24.09 |
| Journalism | 149 | 18 | 12.03 |
| Fine Arts and Applied Arts, Total | 4,035 | 678 | 16.80 |
| Art General | 99 | 18 | 18.18 |
| Music, Sacred Music | 1,473 | 199 | 13.51 |
| Speech and Dramatic Arts | 1,978 | 314 | 15.87 |
| Fine and Applied Arts, All other fields | 485 | 147 | 30.31 |
| Folklore (1965-1969 only) | 29 | 8 | 27.59 |

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TABLE 1 (Continued)

| | Total Number of Doctorates Earned 1960-69 | Total Number of Doctorates Earned by Women 1960-69 | Percentage of Doctorates Earned by Women 1960-69 |
|---|---|---|---|
| Foreign Languages and Literature, Total | 4,158 | 1,186 | 28.52 |
| Linguistics | 551 | 133 | 24.14 |
| Latin, Classical Greek | 506 | 128 | 25.30 |
| French | 768 | 311 | 40.49 |
| Italian | 47 | 17 | 36.17 |
| Portuguese | 14 | 3 | 21.43 |
| Spanish | 668 | 217 | 32.49 |
| Philology and Literature of Romance Languages | 380 | 93 | 24.47 |
| German | 678 | 171 | 25.22 |
| Other German Languages | 27 | 5 | 18.52 |
| Philology and Literature of Germanic Languages | 52 | 9 | 17.31 |
| Arabic | 5 | 1 | 20.00 |
| Chinese | 14 | 2 | 14.29 |
| Hebrew | 23 | 1 | 4.35 |
| Hindi, Urdu (1961-1969 only) | 2 | 0 | .00 |
| Japanese | 12 | 2 | 16.67 |
| Russian | 116 | 28 | 24.14 |
| Other Slavic Languages | 68 | 20 | 29.41 |
| Foreign Language and Literature, All other fields | 227 | 45 | 19.82 |
| Forestry | 558 | 1 | .18 |
| Geography | 663 | 37 | 5.58 |
| Health Professions, Total | 1,831 | 168 | 9.18 |
| Hospital Administration | 20 | 1 | .50 |
| Medical Technology | 2 | 0 | .00 |

## TABLE 1 (Continued)

| | Total Number of Doctorates Earned 1960-69 | Total Number of Doctorates Earned by Women 1960-69 | Percentage of Doctorates Earned by Women 1960-69 |
|---|---|---|---|
| Nursing, Public Health Nursing | 18 | 17 | 94.44 |
| Optometry | 16 | 1 | 6.25 |
| Pharmacy | 563 | 24 | 4.26 |
| Physical Therapy, Physiotherapy | 1 | 0 | .00 |
| Public Health | 418 | 62 | 14.83 |
| Radiologic Technology | 3 | 0 | .00 |
| Clinical Dental Services | 24 | 4 | 16.77 |
| Clinical Medical Services | 302 | 31 | 10.26 |
| Clinical Veterinary Services | 250 | 4 | 1.60 |
| Health Professions, All other fields | 214 | 24 | 11.21 |
| | | | |
| Home Economics, Total | 514 | 392 | 76.26 |
| Home Economics, General | 104 | 101 | 97.12 |
| Child Development, Family Relations | 174 | 87 | 50.00 |
| Clothing and Textiles | 53 | 52 | 98.11 |
| Foods and Nutrition | 134 | 108 | 80.60 |
| Institution Management or Administration | 6 | 6 | 100.00 |
| Home Economics, All other fields | 43 | 38 | 88.37 |
| | | | |
| Law | 268 | 12 | 4.48 |
| | | | |
| Library Science | 140 | 38 | 27.14 |
| | | | |
| Mathematical Sciences, Total | 6,166 | 401 | 6.50 |
| Mathematics | 5,538 | 348 | 6.46 |
| Statistics | 781 | 53 | 6.79 |
| | | | |
| Philosophy, Total | 1,701 | 188 | 11.05 |
| Philosophy | 1,520 | 155 | 10.20 |
| Scholastic Philosophy | 181 | 33 | 18.23 |

## TABLE 1 (Continued)

| | Total Number of Doctorates Earned 1960-69 | Total Number of Doctorates Earned by Women 1960-69 | Percentage of Doctorates Earned by Women 1960-69 |
|---|---|---|---|
| Physical Sciences, Total | 25,736 | 1,179 | 4.58 |
| Physical Sciences, General | 93 | 3 | 3.23 |
| Astronomy | 421 | 29 | 6.69 |
| Chemistry | 12,963 | 884 | 6.82 |
| Metallurgy | 213 | 0 | .00 |
| Meterology | 245 | 2 | .82 |
| Pharmaceutical Chemistry (1961-1969 only) | 289 | 13 | .50 |
| Physics | 8,415 | 168 | 2.00 |
| Geology | 2,143 | 53 | 2.47 |
| Geophysics | 203 | 3 | 1.48 |
| Oceanography | 222 | 4 | 1.80 |
| Earth Sciences, All other fields[18] | 170 | 2 | 1.18 |
| Physical Science, All other fields | 359 | 18 | 5.01 |
| Psychology, Total | 9,135 | 1,845 | 20.20 |
| General Psychology | 7,071 | 1,365 | 19.30 |
| Clinical Psychology (1961-1969 only) | 651 | 163 | 25.04 |
| Counseling and Guidance | 138 | 33 | 23.91 |
| Social Psychology (1961-1969 only) | 309 | 68 | 22.01 |
| Rehabilitation Counselor Training (1964-1969 only) | 36 | 8 | 22.22 |
| Educational Psychology (1964-1969 only) | 137 | 37 | 27.01 |
| Psychology, All other fields (1964-1969 only) | 793 | 171 | 21.56 |
| Religion, Total | 2,825 | 141 | 4.99 |
| Religious Education, Bible | 368 | 49 | 13.32 |
| Theology | 1,417 | 49 | 13.32 |

### TABLE 1 (Continued)

| | Total Number of Doctorates Earned 1960-69 | Total Number of Doctorates Earned by Women 1960-69 | Percentage of Doctorates Earned by Women 1960-69 |
|---|---|---|---|
| Religion, Liberal Arts Curriculum | 860 | 39 | 4.54 |
| Religion, All other fields | 180 | 4 | 2.22 |
| Social Sciences, Total | 18,662 | 2,072 | 11.10 |
| Social Sciences, General | 261 | 27 | 10.34 |
| American Studies, Civilization, Culture | 257 | 41 | 15.95 |
| Anthropology | 942 | 202 | 21.44 |
| Area or Regional Studies | 384 | 46 | 11.98 |
| Economics | 3,898 | 219 | 5.62 |
| History | 4,943 | 579 | 11.71 |
| International Relations | 425 | 33 | 7.76 |
| Political Science or Government | 2,876 | 253 | 8.80 |
| Sociology | 2,361 | 403 | 17.07 |
| Agricultural Economics | 1,165 | 12 | 1.03 |
| Foreign Service Programs | 11 | 1 | 9.09 |
| Industrial Relations | 96 | 4 | 4.17 |
| Public Administration | 283 | 23 | 8.13 |
| Social Work, Social Administration | 480 | 174 | 36.25 |
| Social Science, All other fields | 280 | 55 | 19.64 |
| Trade or Industrial Training | 84 | 0 | .00 |
| Broad General Curriculums and Misc. Total | 726 | 107 | 14.74 |
| Arts, General Programs | 39 | 9 | 23.08 |
| Sciences, General Programs | 84 | 9 | 10.71 |
| Arts and Sciences, General Programs | 40 | 5 | 12.50 |
| Teaching of English as a Foreign Language | 27 | 10 | 37.04 |
| All Other Fields of Study[19] | 536 | 74 | 13.81 |
| Total *All* Fields (areas) reported: | 154,111 | 17,929 | 11.63 |

## TABLE 1 (Continued)

Data source: U.S. Department of Health, Education and Welfare, *Earned Degrees Conferred: Bachelor's and Higher Degrees.* A publication of the Bureau of Educational Research and Development and the National Center for Educational Statistics. Washington, D.C.: U.S. Government Printing Office. (All public and private colleges and universities in the United States known to confer doctoral degrees are included in the survey. Professional doctoral degrees, such as M.D., however, are not listed.) The consecutive bulletins from which these original data were obtained are located in the Wilson Library Documents Division.

[1] When information was available from 1961-1969 (this field was not given as a separate category in 1960-1961), proportions were computed based on information available. If the field was not listed as a separate category for more years than 1960-1961, the information was included in the residual category. Exceptions are noted.

[2] Includes Bacteriology, Virology, Mycology, Parasitology and Microbiology.

[3] The status of this field prior to 1968, when it was considered separately, is not clear.

[4, 5, and 6] As in 3, the same observation applies.

[7 and 8] These entire areas are new.

[9, 10, 11, and 12] Subsumed under other categories in earlier years.

[13] Includes: Special Learning Disability, Education of the Crippled, Education of the Multiple Handicapped.

[14] Includes Curriculum instruction as well. These fields were separated for all but year 1963-1964, so it was necessary to combine them.

[15] Includes History, Philosophy and Theory of Education.

[16] Includes the recently listed field of Education Specialist.

[17] A breakdown on Engineering was omitted from *Earned Degrees Conferred: Bachelor's and Higher Degrees* for the four academic years 1960 through 1964. Other sources investigated provided breakdown by field but not by sex.

[18] Includes recent field, "Earth Sciences, General."

[19] Includes recent field "Interarea Fields of Study."

## TABLE 2

### Acceptance Data on Men and Women Applicants to U.S. Medical Schools for Selected School Years 1929-30 to 1965-66

| | *Women* | | | *Men* | |
|---|---|---|---|---|---|
| School Year | Number of Applicants | Number Accepted | As Per Cent of Total Acceptances | Number of Applicants | Number Accepted |
| 1965-66 | 1,676 | 799 | 8.9 | 17,027 | 8,213 |
| 1964-65 | 1,731 | 824 | 9.1 | 17,437 | 8,219 |
| 1960-61 | 1,044 | 600 | 7.0 | 13,383 | 7,960 |
| 1955-56 | 1,002 | 504 | 6.3 | 13,935 | 7,465 |
| 1950-51 | 1,231 | 386 | 5.3 | 21,049 | 6,869 |
| 1940-41 | 585 | 303 | 4.8 | 11,269 | 6,025 |
| 1935-36 | 689 | 379 | 5.5 | 12,051 | 6,521 |
| 1929-30 | 481 | 315 | 4.5 | 13,174 | 6,720 |

(Source: The *Journal of Medical Education,* Vol. 42, No. 1, January, 1967, Association of American Medical Colleges, *Datagram,* Vol. 7, No. 8, February, 1966.)

## TABLE 3

### Women Students and Graduates of U.S. Medical Schools, 1930-67

| Year | Women Students | Percentage of all Students | Women Graduates | Percentage of all Graduates |
|---|---|---|---|---|
| 1930 | 955 | 4.4 | 204 | 4.5 |
| 1935 | 1,077 | 4.7 | 207 | 4.1 |
| 1940 | 1,145 | 5.4 | 253 | 5.0 |
| 1945 | 1,352 | 5.6 | 262 | 5.1 |
| 1946 | 1,868 | 8.0 | 242 | 4.2 |
| 1947 | 2,183 | 9.1 | 342 | 5.4 |
| 1948 | 2,159 | 9.5 | 392 | 7.1 |
| 1949 | 2,100 | 8.9 | 612 | 12.1 |
| 1950 | 1,806 | 7.2 | 595 | 10.7 |
| 1951 | 1,564 | 5.9 | 468 | 7.6 |
| 1952 | 1,471 | 5.4 | 351 | 5.7 |
| 1953 | 1,463 | 5.3 | 363 | 5.5 |
| 1954 | 1,502 | 5.3 | 360 | 5.2 |
| 1955 | 1,537 | 5.4 | 345 | 4.9 |
| 1960 | 1,710 | 5.7 | 405 | 5.5 |
| 1961 | 1,745 | 5.8 | 354 | 5.3 |
| 1962 | 1,955 | 6.3 | 391 | 5.8 |
| 1963 | 2,081 | 6.7 | 405 | 5.9 |
| 1964 | 2,244 | 7.0 | 449 | 6.5 |
| 1965 | 2,503 | 7.7 | 503 | 7.3 |
| 1966 | 2,589 | 8.6 | 52[illegible] | 7.4 |
| 1967 | 2,771 | 8.3 | 583 | 7.5 |

(Source: Association of American Medical Colleges.)

## TABLE 4

### Number of Four-Year U.S. Medical Schools Having 10 Per Cent or More Women Enrollees or Graduates

| Year | Total | With 10 Per Cent or More Women Graduates |
|---|---|---|
| 1941-42 | 67 | 6 |
| 1942-43 | 66 | 4 |
| 1943-44 | 69 | 8 |
| 1944-45 | 69 | 4 |
| 1945-46 | 69 | 2 |
| 1946-47 | 70 | 5 |
| 1947-48 | 70 | 13 |
| 1948-49 | 71 | 42 |
| 1949-50 | 72 | 38 |
| 1950-51 | 72 | 16 |
| 1951-52 | 72 | 5 |
| 1952-53 | 72 | 4 |
| 1953-54 | 74 | 7 |
| 1954-55 | 75 | 6 |
| 1955-56 | 76 | 7 |
| 1956-57 | 78 | 8 |
| 1957-58 | 78 | 5 |
| 1958-59 | 79 | 6 |
| 1959-60 | 81 | 6 |
| 1960-61 | 81 | 2 |
| 1961-62 | 83 | 8 |
| 1962-63 | 83 | 7 |
| 1963-64 | 84 | 8 |
| 1964-65 | 84 | 10 |
| 1965-66 | 84 | 10 |
| 1966-67 | 84 | 18 |

(Source: Education numbers of the *Journal of the American Medical Association.*)

# THE OPPRESSION OF GAY PEOPLE

**Warren Blumenfeld**

# THE OPPRESSION OF GAY PEOPLE

The single factor which all gays have in common is their sexual-emotional orientation or sexual-emotional preference. This factor gives them a second-class status in our society. Homosexuality is not regarded as consistent with the American norm of sexual and emotional expression. Like other minority groups in this country, gay people have special needs, many of which are ignored or forgotten, both on and off campus. This section will deal with the special needs of gay people and with how these needs are probably not being met on campuses.

[When we speak of the "gay person," we include a wide variety of people. Gayness transcends social class, social culture, race, nationality, sexual gender, and political persuasion. For purposes of clarity, when we talk of gay people the reader should keep in mind this great diversity.]

'You're sick;you're abnormal. You must change your sexual-emotional orientation. Sit down and we will help you get over your hang-up." These are the types of things which have been said to gay people in psychotherapeutic situations for years. For the most part, students of psychotherapy are taught that homosexuality is a sickness which must be discouraged in the hope of changing the patient to heterosexuality. Homosexuality is usually seen as a problem created by the homosexual rather than one stemming from others' conceptions and treatment of homosexuals.

Because of the persistent misconceptions of homosexuality, college psychological guidance centers often are either unconcerned with very real needs of gay people, or they are unequipped to deal with them.

In a study conducted by Dr. Ralph Blair of the Homosexual Community Counseling Center of New York, results showed that "although most of the deans of students and directors of college counseling centers showed a strong awareness of homosexual students' psychosexual needs, virtually none provided any specific services to meet these needs."[1] The study concludes with a description of the taboo which causes the lack of services:

> The gap between acknowledged needs and services provided perhaps can be best explained in terms of the general taboo nature of the subject of homosexuality and by the reflection of this in the deans' and directors' wary eye to public relations problems associated with campus homosexuality. The general taboo, in which almost all share, may have produced what might be

called, in Veblenian terms, a "trained incapacity" on the part of the professionals to change their behavior in light of more recent information and to apply their concerns for general student welfare to homosexually-interested persons in particular.

Throughout the history of the United States, individuals have been fired from their jobs if they were found to be gay. In many instances, they have been excluded from jobs altogether if their gayness was known. At present, gay people are denied security clearances to work in government jobs or jobs in private industry, are denied employment in the civil service, and are given less-than-honorable discharges from the military.

## Employment Problems on Campus

This same type of prejudice today exists on college and university campuses. In a recent case at the University of Minnesota in St. Paul, a well-qualified homosexual was recommended for a job in the campus library. This student, an openly gay person and the lover of the student body president, who was also openly gay, was denied the position by the Board of Regents for reason of his homosexuality. The student took the case to the courts and was again denied. It is amazing how campus and community judiciary officials came to the conclusion that this librarian's homosexuality would negatively affect his ability to carry out his job. The prejudice here was blatantly clear.

This type of incident occurs frequently across the country. Many times officials may cite some inconsequential detail which they may use for denying a job to a gay person. According to Dr. Blair's study, services for special vocational needs of homosexuals are not being provided:

> Although most of the deans and directors showed a strong awareness of the vocational discrimination which is practiced against homosexuals in America, almost none of them said that homosexual students' needs for vocational and employment placement services constituted the most pressing student personnel problem with reference to homosexuality and none of them reported providing a specific service of vocational guidance or placement for homosexuals as such.[2]

Another problem confronting many homosexuals is housing. A home, apartment, dormitory room, fraternity or sorority house should be a place where a person can be free to be oneself without a need to justify one's existence or without the need to hide one's psychosexual orientation. A common fear of many gay students is that of being either physically assaulted or thrown out of their housing if their gayness is discovered. One president of a fraternity in a college in Rhode Island was not only asked to leave the house, but was also forced to resign from the fraternity when two of his fraternity "brothers" found some gay literature in his room. There are many other instances of gay students being physically assaulted by residents of college housing facilities or in other ways harassed either physically or psychologically.

Social activities on most campuses, like housing arrangements, are geared to heterosexual couples. Most school dances welcome only heterosexual couples; if two students of the same sex try to dance together, they are asked either to stop dancing or to leave. Many times the fault for this oppression lies with the students who make up the social programs. However, in many instances the students are carrying out the wishes of campus officials and state legislators who might be embarrassed in some way if gays were allowed to be seen openly on campus.

### Hostility Toward Open Gays

The types of campus social activities run a large gamut and to write about oppression of gays at each type of activity would encompass more than we are equipped to deal with in this section. However, one common factor is usually evident at all of these social functions. This factor is hostility towards the gay person who is open. In most of these situations, the reason for many gays not having the confidence to be open in a campus social setting is their fear of social alienation from their peers.

A full understanding of what it means to be a homosexual in the American school system—from grade school through college—can only be communicated fully by letting gays speak for themselves. The following article, entitled "School is Not a Gay Place to Be," is reprinted from *Edcentric* magazine, November 15, 1971.[3] It tries to convey the subjective feelings of one gay student in a series of hostile educational environments.

As the clock drew nearer to ten o'clock, my fear became almost unbearable. I had long since stopped listening to my professor's lecture even though the material he was covering would undoubtedly be included on the final. The anxiety I was feeling made attention impossible. I remember sitting in the classroom shaking and dripping wet. I stared almost hypnotically at the second hand of the wall clock–suddenly the bell rang and class was over.

Now I had to make the most important decision of my life. Was I going to keep my appointment with the unknown woman in the college union or was I going to stand her up and retreat to the security of my apartment? As I made up my mind to carry through with the appointment, I found myself walking out of the room ignoring my classmates, trying to be as inconspicuous as possible. I was worried that someone would ask where I was going.

I approached the union, trying to regain my composure. I knew that I couldn't face anyone in the condition I was in, and if I continued to look so agitated, everyone would stare at me once I entered the building. I took a deep breath and went inside. Then I looked all over the cafeteria for the woman with the green blouse and blue pants. This was the outfit she had told me she would wear when I talked to her over the phone four hours earlier.

Suddenly I saw her–she saw me at the same time and got out of her seat to greet me. She took my hand and brought me over to her table.

"You must be Warren," she said. "My name is Lee."

She was not at all as I had envisioned her. She had a kind, friendly face and long sensitive fingers. She spoke with an air of understanding which allowed me to relax in her presence. I wished, however, that we were alone somewhere instead of there in the cafeteria where at any time an acquaintance might come in and find out the nature of our meeting.

"Lee," I said, "I called you because. . . ." At this point I became extremely tense and could no longer continue.

"I know of your reasons for wanting to talk to me," she replied after almost an entire minute of silence. "I've found that many people are in your situation and are in such desperation that they don't know where to turn. Please try to continue where you left off a minute ago. It would really be helpful to you if you could get out the words that are so disturbing to you."

"Lee, I called you because . . . because I think I . . . I . . . I am a ho . . . a homosexual." At that moment I placed my head in my hands and wanted to flee as fast as I could. After a minute or so she took my hand, and as she did, I could see her own eyes swelling with tears. It seemed that she knew the torment and self-hatred which I was feeling because of the simple fact that she had gone through the same feelings herself.

I suppose that I have had "homosexual" feelings since I was seven or eight years old, but since that time until just a very few months ago I was afraid to admit it to anyone, including myself. This meeting with the GLF coordinator on my college campus was such a threatening thing to me because, like most of society, school is not a very "gay" place to be. For the homosexual in today's educational institutions, life is extremely oppressive, lonely and alienating.

### Started on First Day

The chain of sexual oppression imposed by my schooling started the very first day I entered kindergarten. As my mother dropped me off and kissed me good-bye, I felt very alone and began to cry. The teacher walked up and said in a rough voice: "Don't cry. Only sissies and little girls cry." In retrospect I realize that she was telling me to deny my feelings in order to fit a preconceived notion of masculinity, a norm I didn't fit and couldn't have fitted if I had wanted to. Even back in kindergarten, boys were channelled in certain activities such as athletics while girls were channelled into housekeeping "skills" such as cooking and cleaning up the classroom. This channelling seemed to grow more intense in each consecutive level of grade school.

In the fifth and sixth grades I was one of only five boys in the school chorus, which included almost 50 girls. The reason that more boys were not included in the chorus is not because girls generally have better voices than boys of elementary school age. The determining factor was one of social pressure. I and the other four boys in the chorus were referred to by our peers as "the chorus girls," while the girls who "made it" into the chorus were well respected and envied by the other girls of the school.

As I was experiencing this humiliation, I repeatedly wondered why it was that kickball was considered to be more "manly" than singing. Why was it that, in order for me to be accepted by my peers, I would first have to show my physical prowess on the athletic field?

The attitudes which my classmates developed were formulated within the family unit, but they were reinforced in the school setting. It was usually the girls who were encouraged by their teachers to take advantage of the field trips to the opera each semester, while the boys were pushed to attend a local big league baseball game. It was the girls who were allowed to help the teacher mix the paints for art period while the boys were permitted to sometimes leave for recess early to get the balls out of the equipment rooms. These instances may appear to be quite minor means of tracking a student according to sex, but they set the stage for the most oppressive three years of my life—the years of junior high school.

During this period I began to develop physically and became more aware of my own body. I began to have definite sexual feelings for other members of my own sex. These were feelings which I didn't exactly understand, although they seemed very real. Once I had a strong sexual attraction for a boy friend of mine. When I told him that I wanted to embrace him, he looked at me in the strangest way and called me a "faggot." By that time in my life I knew what the term meant. I was told that "faggots" are homosexuals who are sick and who must go to a psychiatrist in order to be "normal."

### Taught to Keep Feelings Hidden

In junior high, "normal" was defined by the teachers of our sex education class–the physical education staff. During the course, homosexuality was discussed when we were on the topic of "sexual deviates." If nothing else, this course taught me to keep my homosexual feelings well hidden. Whenever any of my friends told homosexual jokes, I was always the one who laughed the loudest, so no one would discover where I was really at.

During these years, I hated to go to any school dances. It was not that I didn't like to dance, but rather that I wanted to dance with the other boys. Once I had a fantasy of dancing with a boy friend of mine in the privacy of my own room–how beautiful and free it was to finally carry out my desires.

Unfortunately, this was only a fantasy, a brief vision instead of an actual occurence. Subsequently, I rarely attended any of the dances because they were extremely threatening to me. If I were discovered, I not only wouldn't have been able to face my friends and relatives, but I thought that I would have to be transferred to another school so I wouldn't "disturb the educational environment" of my school. Recently this was what happened when a 13-year old told one of his junior high school teachers he was a homosexual. The principal immediately went to talk with his parents and stated that their son would not be allowed back to school unless he was admitted to a qualified psychologist for the purpose of altering his sexual preference. In this instance the parents accepted their son's feelings and were not intimidated by the school. They threatened that if their son was not admitted back to the school immediately they would file suit through the American Civil Liberties Union. Under this threat the boy was readmitted due to the lack of legal grounds for his dismissal.

In this type of case, in most states the law may be on our side, but social attitudes are difficult if not impossible to legislate. I have not kept up with this particular case since the boy has been back in school, but I do not doubt that he has felt some social stigma for his decision to be open about his homosexuality (as I would have, if I had been secure enough in my junior high school years to be open).

Junior high school sufficiently prepared me for my eventual high school experiences, teaching me never to question the oppressive conditioning I was subjected to. I did not question the military drills in tenth grade physical education class; in eleventh grade I did not question the transfer of a fellow classmate to a continuation school for alleged homosexual tendencies; and I did not question the statement of my twelfth grade English teacher that "even though André Gide was a homosexual he was a good author in spite of it." I felt too threatened to speak out. I tried, instead, to play the games social pressure dictated to me. I went steady with a girl in my history class when I was a senior mainly because all of my friends were going steady and I felt isolated for not having a girlfriend myself.

My own self-hatred was especially great in high school because I knew I was a homosexual but did not know how to handle it. There was no one to whom I could turn for help. Once in my health class when the subject came up, we talked about the technique of shock treatment for homosexuals to alter their "sexual desires." Being in such a desperate state, I even considered submitting myself to such treatment but, fortunately, never went through with it.

I graduated from high school with the hope that college life would somehow be different. I hoped that people would be more open-minded and readily open to change. To a great extent, this was true. In college, for the first time I joined with other people to demonstrate our open opposition to the war in Vietnam; now I felt the joy of joining with my Black and Chicano sisters in our common struggle against housing discrimination around our campus by the campus slumlords; now I was able to voice my disgust at the state of our ecology by helping to plan workshops during specified ecology teach-ins held around my campus.

All of these activities gave me a greater sense of worth, in that now I felt freer to act out many of my previously held ideals, but still something was missing. There remained within me a great void from which I could not escape. I knew the time was drawing near for me to make a decision of either coming out with my homosexuality to myself and to others, or else remaining in my suppressed state as I had done ever since I could remember. I continually asked myself why there were no openly Gay individuals or gay organizations on my campus.

Then one day in my campus newspaper I saw the headline, in big bold letters, "Gay Liberation Front Denied Campus Recognition." The article went on to say that the chancellor of the California State College system had denied recognition of the Campus Chapter of Gay Liberation Front on the premises that:

> 1. ". . . the effect of recognition by the college of Gay Liberation Front could conceivably be to endorse, or to promote homosexual behavior, to attract homosexuals to the campus, and to expose minors to homosexual advocacy and practices, and

2. ". . . belief that the proposed Front created too great a risk for students–a risk which might lead students to engage in illegal homosexual behavior."

### Joined Encounter Group

After my initial disgust and outrage at such absurd reasoning, I finally chose to "come out of my closet." I soon joined an encounter group in the college counseling center which allowed me to gain the support I needed to start to handle my homosexuality in a constructive way. Soon I gained the courage I needed to get in touch with the coordinator of the local Gay Liberation Front chapter, as described in the beginning of this article. Since that time I have been involved heavily in gay politics and gay sensitivity groups.

The void is finally being filled because now I have found people who are proud of their homosexuality–people who are no longer going to put up with the oppressive conditions which our society imposes on us every day of our lives. People are now fighting in the courts to get chapters of Gay Liberation Front reinstated on campuses. A precedent case was recently decided in our favor by the Superior Court of Sacramento County, California. In this case, the GLF, represented by the Associated Students of Sacramento State College, won a suit against the President of Sacramento State College and the trustees of the California State College System which forced the state college to recognize GLF as a student organization. A court upheld the Associated Students' contention that:

> To justify suppression of free speech there must be reasonable grounds to fear that serious evil will result if free speech is practiced. There must be reasonable ground to believe that the danger apprehended is imminent.

Using this precedent, other homosexual groups which have been denied recognition are now waging court battles throughout the nation. Also many groups have not had as much trouble as we have had for there are over 150 campus homosexual groups throughout the United States. The purpose, as stated in one group's constitution, is

> . . . to further self-understanding among the members, to promote in the community better understanding of homosexuality, and to facilitate a strengthening of social ties between homosexuals and heterosexuals . . . to provide . . . members with legal, medical and psychological counseling and services as is necessary and proper.

To be a homosexual in the educational institutions of this country is still extremely difficult even though conditions may appear to be changing for the better. I was able to begin the long process of personal liberation in spite of my teachers and the educational institutions.

I realize that I can talk only of oppression from the viewpoint of a homosexual man, but the system which oppresses me also oppresses women, both gay and straight, Black people, Chicanos, Native Americans and others. The fact which must be made known is that we are tired of waiting for change; we are tired of hiding our feelings and we are rising up with pride, love and solidarity.

## Denial of Official Campus Recognition

One of the most concrete forms of institutional oppression of gay people on campus is the denial of official campus recognition of gay student groups by college, community and state officials. Exclusion of this sort from the college's own structure prevents access to college facilities and equipment, publicity in the school newspaper and use of student body funds. Recognition means the right to demonstrate to straight administrators, faculty and students that there are areas where the college has ignored the needs of gay people.

Campuses which have refused recognition include: California State University at Sacramento, California State University at San Jose, University of Kansas at Lawrence, University of Oklahoma at Norman, University of Kentucky at Lexington, University of Texas at Austin, Pennsylvania State, West Virginia University at Morgantown, California Polytechnical at San Luis Obispo, Florida State University at Tallahassee, University of Tennessee at Knoxville, University of Southern California, Colorado College at Colorado Springs, University of Missouri at Columbia, and College of Sequoias in Visalia, California.

One of the first gay groups to be denied campus recognition was at California State University at Sacramento. An article distributed by the National Gay Student Center entitled "Are You Recognized?" summarized the incidents which began in 1970 at CSU:[4]

The Sacramento students applied for recognition of their group, and their application was approved by the student government. This decision, however, was subsequently overruled by Glen Dumke, the Chancellor of the California State University and the University Board of Trustees, who gave the following reasons for their actions: (1) ". . . the effect of recognition by the college of the Gay Liberation Front could conceivably be to endorse, or to promote, homosexual behavior, to attract homosexuals to the campus, and to expose minors to homosexual advocacy and practices;" and (2) "belief that the proposed Front created too great a risk for students—a risk which might lead students to engage in illegal homosexual behavior."

The Sacramento students had themselves together enough to challenge this decision in the courts. In this case the gay students, represented by the Associated Students of the campus, won a suit against the President of C.S.U. Sacramento and the Trustees which forced the University to recognize the group. The Superior Court of Sacramento County, California, upheld the Associated Students' contention that "to justify suppression of free speech there must be reasonable grounds to fear that serious evil will result if free speech is practiced. There must be reasonable ground to believe that the danger apprehended is imminent."

Marty Rogers, one of the initial members of the Front, described the effect of the decision:

> Being denied recognition, being decreed invisible, reactivated in most group members other similar and painful incidents in their lives. The difference this time was that there was mutual support—from the campus newspaper and from the student government. Two faculty members openly acknowledged their homosexuality through letters to the Acting College President and the campus newspaper—they insisted on being seen. For once, homosexuals were not running and hiding. Publicly announcing one's homosexuality, an issue which had not really been confronted previously, became an actuality as a result of the denial of recognition.

The University of Oklahoma, the University of Kentucky, and several other campuses were sites for similar recognition battles, as described in the same article:[5]

> In Oklahoma a decision similar to the Sacramento case was handed down in favor of the Norman Gay Alliance of the University of Oklahoma by the Oklahoma State District Court August 31, 1972. However, this was only the end of round one in the campus administration's boxing match with the Alliance. The administration is not going to "let any of them faggots get away with nothing" if they can help it. Now being a recognized campus group, the Alliance is entitled to student body funds. The administration has warned the Student Congress that if it grants any money for the gay group, however, funds for all student groups may be cut off. . . .
>
> [A recent column in *The Kentucky Kernel,* the school newspaper of the University of Kentucky at Lexington, exemplifies the absurd reasoning used by college officials to deny recognition to gay groups.] Since the University and State Attorney General began deciding whether the Gay Liberation Front there should be recognized, the group has received much publicity. The

columnist felt that the group had received too much notoriety, and he is "100 per cent against recognizing the Gay Liberation Front." The writer came to the conclusion that gay people don't need a group on campus. He went on to state that "practicing homosexuality is illegal in Kentucky. After the Gay Liberation Front what? Campus prostitutes? Maybe the bike thieves could band together? Bike Thieves Liberation." . . . Others came to the same conclusion as this columnist. [Recently] the administration decided not to grant recognition.

## Form Caucus of Other Group

In an effort to get around this battle, the gay students at Kentucky have attempted a move which has been used on various campuses with varying degrees of success. They have attempted to integrate themselves as a caucus of an existing recognized campus group; in this instance the other group was the campus chapter of the People's Party. If this move could be successful, the gay people would have access to campus facilities and other privileges of a recognized group. Unfortunately, however, the Dean of Students challenged this procedure by claiming it is in violation of the People's Party Constitution. As a counter move the People's Party has submitted an amended version of their constitution which will allow any group of five or more persons the right to form a caucus and elect a representative to the party's steering committee. The Dean of Students could deny this again, and, if this is the case, the gay students will be forced to take the case to court. . . .

Some other gay groups have tried to avoid a court case by simply changing the name of the group. . . . The students at the University of Texas changed the name of their organization from the Gay Liberation Front to NORSL–National Organization for the Repeal of Sodomy Legislation. For the most part this technique is not totally effective, but it may give some gay groups an opportunity to have a temporary campus organization while a court case is in progress or other tactics are tried. It would seem to be more effective, however, when a group is initially organizing rather than after it has publicized itself under another name.

Taking a case to court is often effective and should be used when all administrative outlets have been exhausted. To date most gay student cases have won in the courts. However, there is one case which was less than favorably decided for the group. In Lawrence, Kansas, in April of 1970 the Gay Liberation Front applied for campus recognition and was turned down by the campus administration. The following February the group applied for recognition once again and was again denied with the reply that "the university will not contribute funds (nor recognize) an organization which supports sexual proclivities of students, especially if those proclivities violate state law." In March 1971 William Kunstler, one of the "Chicago Seven" defense attorneys, spoke on campus. Two members of the gay group then asked him if he would help the group and he consented. With the aid of an ACLU lawyer and Mr. Kunstler a suit was filed in Federal District Court in Topeka, Kansas. In December 1971 a decision was handed down by Judge George Templar that Mr. Kunstler would not be allowed to appear because, in the judge's words, his "demonstrated contempt for the courts in this country" and because he was not admitted to practice law in the state of Kansas. The judge went on to deny the gay students' request for an injunction against the University which, if granted, would have permitted them to be recognized. At the present time the case is being appealed in the Federal Circuit Court of Appeals in Denver, Colorado, and prospects look good for a ruling overturning the lower court's decision.

### Denial of Constitutional Rights

The reason for such confidence is a case recently decided by the . . . United States Supreme Court. This case, *Healy vs. James* (June 26, 1972), involving the recognition of an SDS group at Central Connecticut State College in New Britain, Connecticut, overruled a lower court decision. The Supreme Court ruled that the denial of recognition of the group by college officials is a denial of a student's rights as guaranteed by the First (freedom of speech) and Fourteenth (equal rights under the law) Amendments to the U.S. Constitution. This case would seem to set a good precedent for gay student groups and is being used as support material in the Lawrence case and other similar cases across the country.

### Oppression of Gay Faculty and Staff

For the most part when we deal with gayness on the college campus, we look at it from the point of view of the gay student. We have all seen articles written about the ways in which the college structure oppresses gay students and we have also read about how gay students are getting themselves together to stand up to this oppression. However, there is another aspect of this area of oppression of gays on campus which we seldom read about. There is not much literature available today on the topic of gay public school teachers or gay college and university professors.

Why do we not hear much about gay faculty members in the schools of this country? Is it because they do not exist, or is there another reason to explain this phenomenon? We all must realize that there are large numbers of gay people teaching in the schools of this country, but due to their often tenuous positions within the school structure, it is extremely difficult for them to declare their gayness openly.

In public and private grade schools, they must contend not only with the negative attitudes of their principals, but also with those of the school boards, parents and other members of the community. Most important, they must contend with the fears and misgivings which their own students have in the area of gayness. There is nothing worse than for a teacher to overhear some of his or her students calling him or her a "faggot" from the back of the room.

In college, conditions might be a bit less oppressive, but chances are that gay faculty members must lead a double life–one at school and one at home. Most of them must hide behind a straight-identified mask during working hours. Even when they are off campus, they must try not to be seen in any places which might be identified as gay.

Gay people have presumably taught in American's schools from the beginning–and from time to time have been deprived of their jobs. However, discrimination in hiring may well be more widespread now than in the past. For instance, many schools now ask about arrest records or military records or about undergraduate groups the student has belonged to. Thus members of student gay groups are immediately open to discrimination upon graduation. Furthermore, gay people in many communities are the victims of harassment and entrapment campaigns by local police to intimidate the gay community. Arrests under these circumstances can also lead to employment problems.

There is, in addition, the big question of draft records. Until quite recently young men called in the draft were mandatorily forced to answer the question: "Do you now have–or have you ever had–homosexual tendencies?" Any gay male had to declare his orientation or perjure himself. If the inductee said he was gay, then he was usually given a 1Y or 4F status. But students in such draft categories have often been required to give their prospective employers access to their draft records before they could be hired, a requirement that has frequently cost a young gay a prospective job. Moreover, if the applicant had actually served in the armed forces and been identified by the military as a homosexual during an investigation, the consequent "less-than-honorable" discharge has also disbarred him from employment. Bob Milne, vice president of the Mattachine Society of New York, commented on the problems confronting the homosexual applicant:

> In the last few years school boards have become careful in statements made concerning the employment of homosexuals, due to the ever increasing number of homosexuals standing up for their

> civil rights. A few years ago school administrators wouldn't hesitate to state that they would not hire homosexuals under any circumstances. In most cases the prospective teacher is identified as a homosexual through rumor or allegation. What often occurs is that the homosexual is identified by his draft record, which according to the Selective Service laws is confidential as between the draft board and the applicant. Actually, what happens is that an applicant seeking employment is asked what his draft status is, and if his answer is 4F or 1Y, which are the categories in which homosexuals are now classified, he is then asked to explain the reason for his classification. He can usually give a reason that would be passable, such as a heart murmur, flat feet, etc.; but the board might then request a signed waiver allowing them to obtain his Selective Service file. If the applicant refuses to sign the waiver, he will not get the job. If he does sign the waiver, he will not get the job.[6]

Another frequent requirement is that teachers be U.S. citizens. But students who have made draft declarations or been arrested in a gay context are affected by a federal statute which makes homosexuals ineligible for citizenship.

Until recently, gays who were "discovered" by their principals were asked to resign, and they usually left their jobs without a fight. They were willing to accept any kind of arbitrary treatment rather than be publicly identified as gays. According to Milne:

> Teachers accused of homosexuality, when asked to resign, do resign out of fear; the fear and humiliation of testifying at a hearing and possibly court proceedings, which would be a traumatic experience in itself, outside of the damaging publicity generated. In my experience in the Mattachine Society I have been consulted by nearly a hundred teachers, in the last five years, facing dismissal, who I have urged to contest the school boards' action. Few have requested a hearing, and none that I can recall have taken their cases to the courts.

A public statement by Darian Smith, assistant supervisor of personnel for the Cleveland Board of Education, would seem to confirm this:

> There have been no legal problems in this area. In the Board's history, teachers that have been accused of homosexuality which

> influenced their job have always resigned. If the teacher commits a criminal act, he or she can be dismissed; but in my experience there have only been resignations by mutual agreement.[7]

Since the Stonewall riots of 1969, things have changed. Publicly open gays have begun to fight in the courts instead of meekly slinking away. In a situation where a teacher was identified as a homosexual, but was neither arrested nor convicted of committing a criminal act, the Supreme Court of California was asked to make a decision as to whether homosexuality per se was proper cause for dismissal.

The appellant, after a hearing by the school board, was dismissed upon the finding that he had a homosexual relationship with another teacher, although not committing an offense under the California statutes. In its decision the Supreme Court stated that it would not hold that homosexuals must be permitted to teach in the public schools of California. But the court did overrule the board's dismissal on the grounds that the board failed to show an adverse effect on the appellant's service, caused by his homosexuality. The court cited *Norton vs. Macy* which held that a federal employee could be dismissed only if he or she had committed or was likely to commit some act with an ascertainable deleterious effect on the efficiency of his service.

Although in *Morrison vs. State Board of Education,* the court would not commit itself to the extent of requiring the school system of California to employ homosexuals, it did move towards clarifying the intent of statutes pertaining to the dismissal of teachers for homosexuality. By requiring the system to prove that an individual's sexual inclinations produced an adverse effect on his or her teaching service, the court thus refused to condemn the individual by reason of such inclinations. It would seem that this was a step towards judging homosexuals for their potential as effective teachers, and towards not punishing them for their unwillingness to conform to the sexual mores of society.

Three cases have more recently received nationwide attention in the gay struggle to preserve freedom of expression and protection from indiscriminate firing. They are the Gish case, the Burton case, and the Acanfora case [see Appendix for text of the Acanfora case decision].

In June, 1972, John N. Gish, Jr., a 35-year-old tenured English teacher at Paramus High School in Hackensack, New Jersey, became president of the New Jersey Gay Activist Association and announced his intention of forming a Caucus of Gay Teachers in the New Jersey Educational Association. As a result of the publicity, the local school board, acting under a state regulation, ordered him to take a psychiatric examination to determine his fitness to teach. A local paper, *The Bergen Record*, commented, "Why should the board send to a psychiatrist a teacher who, for seven quiet years, apparently performed his duty satisfactorily and has done no more now than open a debate?" Gish sought and got a court injunction voiding the order, and the ACLU has since entered suit to end such examinations on the ground that they are unconstitutional invasions of privacy.

Later in the summer of 1972 Gish organized a Gay Teachers' Caucus at the NEA national convention and introduced a proposal to fund a study of the difficulties faced by gay teachers. This effort gained him national publicity in Nicholas Von Hoffmann's column. As a result, when school reopened in the fall, the board removed him from the classroom and reassigned him to an administrative post working on school curricula. He was barred from talking to students, entering any classrooms, or even using the school cafeteria. He has since sought reinstatement through the Education Association of Paramus, which has granted him money for his case, and through the American Arbitration Association.

The Burton case raises the issue of gay rights even more sharply, since it led to an actual firing of a woman teacher. Peggy Burton, a recent college graduate, was employed to teach a number of different subjects at Cascade Union High School in Turner, Oregon. The school is a 1000-pupil rural school about twelve miles from Salem, the state capitol. Peggy Burton was fired in October, 1971, after an acquaintance told the principal she thought Burton was a lesbian. She brought suit in Federal District Court to regain her job. Judge Robert Belloni held that lesbianism was a ridiculous reason for firing anyone on the grounds of immorality. "You might as well say she's immoral because she's black or yellow, or a Democrat or has big feet." However, Judge Belloni was unwilling to order reinstatement of a lesbian in a small town school and ordered the board to offer a financial settlement.

Unsatisfied with this, Peggy Burton sued again in the federal courts and on January 18, Judge Gus Solomon ruled that the Oregon law (ORS 342. 530) under which she was dismissed was unconstitutional for vagueness. This law provided that "during the period of a contract" Oregon teachers could be dismissed only for "immorality." Quoting *Connally vs. General Construction Co.*, Solomon ruled that the term "immorality" was (1) so vague that men of common intelligence would have to guess at its meaning, (2) that the word can mean different things to different people, and (3) could lead to arbitrary and irrational judgments. (*Burton vs. Cascade School District*, Civil No.

72-334). Solomon also raised doubts about the constitutionality of the law because it did not require a nexus between conduct and teaching performance. Again, Solomon ordered a financial settlement but not reinstatement. Peggy Burton's attorney once again indicated that anything short of reinstatement was unsatisfactory. The judge, he said, had in effect told the School Board it had no right to fire her from Cascade High School but "refused to protect her right to work there." To this extent, the case is still, as of this date, unresolved.

But the case that has so far received the most attention and raised most issues is the Acanfora case. The following article by Walt Senterfitt, "The Trials of a Gay Teacher,"[8] details the background of the present court challenges:

"I made the decision early not to hide and to do what's right, though I never expected it would lead to this much hassle. But I've never regretted it for a moment. Someone has to stand up and fight discrimination and harassment of gays in teaching if this stuff is ever going to stop."

These are the words of Joe Acanfora, a soft-spoken, unassuming young man who has become, without really trying, a symbol and leader of the struggle to conquer oppression of gay people in the teaching profession in America. After growing up as the loved and respected son of a New Jersey working class family, Joe entered Penn State to prepare for a career as a secondary school teacher. During his second year there, he became increasingly conscious of his gay feelings and sought help from books and a counselor. Fortunately, he received truthful and supportive advice. He "came out" within a few months of being conscious of his feelings, and felt good about it. Joe told his parents soon after coming out, and was pleased by their acceptance, though they didn't talk about it much at first.

Penn State officialdom was not so accepting, however, Joe became one of the founders of the campus gay organization, Homophiles of Penn State (HOPS). HOPS decided to apply for recognition as an official student organization on March 15, 1971. The Student Supreme Court granted them a charter a month later, but in September, 1971, the University overruled the Student Court and denied the charter, claiming HOPS' activities would "create a substantial conflict with the counselling and psychiatric services the University provides to its students."

In February, 1972, Joe joined with three other students to sue the University to compel official recognition of HOPS. At a press conference announcing the suit, Joe said he was involved in the case in order to force the University "to face the fact that they can no longer deny Penn State students their personal rights because of the prejudice of a few administrators."

The University, apparently deciding they had had enough of Joe's quiet, courageous persistence, fought back with a vengeance. The day the lawsuit was announced, University officials contacted the local school district where Joe was doing student teaching to fulfill requirements for a teaching credential. The school district responded as the University hoped—by asking the University to "recall Joseph Acanfora from his assignment as a student teacher in the Park Forest Junior High School. The publicly announced objectives of the organization of which Joseph Acanfora is a member are not compatible with the educational policies of the public school." A school district official claimed that the University had exerted "considerable pressure" on the school district to remove Joe. An elementary school teacher in the district said that the University used the school district as a pawn so it could "get rid of a troublemaker academically so he can't graduate in June." This same teacher said she and other teachers were warned by the school district not to get involved.

## Returned to Classroom

Joe, with the active support of HOPS, fought back. They brought suit against the school district and within a week, a county judge issued a preliminary injunction ordering the district to reinstate Joe with no loss of credit for the time lost from the classroom. The University, probably frightened by the strong support for Joe from students, faculty, townspeople and the ACLU, did not even raise objection to the injunction in court. He returned to his classroom the next day, amidst joyful greetings from his students and colleagues. Joe was quoted as saying: "I think that everything that has happened and Tuesday's court decision can show the University students and the State College community if someone has courage to stand up for his rights in the face of a powerful oppressor they can win."

However, the University was not through trying to punish Joe for embarrassing them and to make an example of him lest anyone else think of making a determined stand for gay civil rights. Though Joe had completed all requirements with an excellent record, the Dean of the College of Education decided to hold up Joe's application for a teaching credential, a document that normally would have been routinely signed and forwarded to the State Department of Education. Stating that he could not certify Joe's "good moral character," as required by law, he convened the University Teacher Certification Council, a rarely used body of six deans.

The Council deliberated Joe's case for two months this past summer. On July 10 they held a hearing with Joe and his lawyer, at which Education Dean VanderMeer asked a number of offensive questions about Joe's private sex life—all totally irrelevant to Joe's ability to teach. Like:

–"What homosexual acts do you prefer to engage in or are you willing to engage in?"

–"Do you look for other males with which to have sex?"

–"How would you behave toward a 17-year-old male student who showed to you by his actions that he was sexually attracted to you?"

–"Would you dance with another male partner at dances where males generally have female partners, fondle or caress another male in such a social situation?"

Joe's patient, level-headed response to the questions apparently swung three of the deans to his side. That left the council deadlocked 3-3, taking the matter out of the University's hands and referring it for final determination to State Secretary of Education John Pittenger.

## Issue Was Openness

The issue of course was Joe's openness about his sexuality and his militance in defense of his own civil rights and those of other gay people. As Joe said in the hearing, "I am sure that there are many, many homosexual teachers represented on every faculty in every school across the country. . . . I know for a fact that this University every term certifies homosexuals." But Joe Acanfora has refused to accept a life of concealment, and fear, and "slipping through" unnoticed.

After two months of further investigation of Joe's records and consultation with state legal authorities, Secretary Pittenger announced in late September that he was granting Joe a teaching credential. He based his decision on Joe's performance as a student and a student teacher, both excellent by all accounts. Pittenger stated: "The question (as to Joe's 'moral character') arose out of Mr. Acanfora's association with a group at Penn State that seeks civil rights for homosexuals. We cannot deny teaching credentials on a theory of guilt by association, nor may we act in a manner which infringes upon free speech."

Grateful as all gay people should be for Joe's success in winning his credential, the decision was not an unqualified recognition of the right of openly gay people to teach, providing only that they meet the same standards of performance and preparation as anyone else. Pittenger said, "The part of the law which has been in question is the statutory requirement of 'good moral character.' There is no evidence of homosexual acts on the part of Mr. Acanfora. He has not been convicted of any criminal violation in the Commonwealth."

He admitted that had Joe been convicted of a violation of the state's sodomy laws or other anti-gay laws, he would have had to deny certification according to the way the laws are presently written. (Which shows once again the importance of campaigns to repeal all anti-gay legislation.) It was a "look-the-other-way" decision rationalized only because there was no actual proof that Joe is a practicing homosexual, though everyone concerned knew full well that he is.

Meanwhile, Joe had moved to Washington, D.C. and had obtained a position teaching earth science at a junior high school in suburban Rockville, Maryland. He had been teaching four weeks when Secretary Pittenger announced his decision, sparking stories in the *New York Times* and the *Washington Star.* The story appeared in the Sunday *Times* and by Monday night, Joe received a letter from the Deputy Superintendent of the Montgomery County School District instructing him to report for reassignment to a desk job at school district headquarters.

**Alternative Work Assignment**

The letter stated that the action was a "temporary alternative work assignment" and "is in no way to be considered a punitive action." The transfer was to be effected until the school board could investigate the "challenge regarding (Joe's) teaching credentials in the state of Pennsylvania." This statement was absurd, since it is obvious that Joe had already been subjected to the most thorough investigation of any beginning teacher in American education.

Joe received gratifying support almost immediately from his colleagues and students, professional education organizations, and the Washington gay community. "I was surprised and amazed at the degree of support from straight people," Joe said. Sixty-one colleagues at Parkland Junior High and 150 students signed a petition demanding his return to the classroom—particularly interesting in view of the school board's mention of fear of adverse community reaction as a reason for Joe's transfer.

Gay Activists' Alliance (GAA) of Washington supported Joe by pressuring the school board at public hearings and meetings. An election campaign for school board seats was in progress (probably a primary reason for the board's hasty transfer action), and GAA members turned up at every candidate's meeting to question candidates on their position of civil rights for Joe and other gay teachers. When it became clear that the district had no intention of returning Joe to the classroom, even after the November elections, Joe was joined by the National Education Association (NEA), its local affiliates in Maryland and Montgomery County, and the ACLU in bringing suit in U.S. District Court in Baltimore for an injunction forcing Joe's return to the classroom. NEA is paying the legal fees and court costs.

Acanfora lost the first round of court proceedings when U.S. District

Court Judge Joseph Young denied Acanfora's request for an injunction ordering the school system of Montgomery County to return him to the classroom. The July 4, 1973, edition of *The Advocate* states that:

> In effect, Judge Young's decision said that if Acanfora had stayed in the closet, the school system would have had no grounds for shifting him out of the classroom. It was the publicity about Acanfora's homosexuality, especially radio and television appearances he made after he was transferred, that made the transfer legally acceptable, the judge declared.
>
> School teachers have a special duty to keep their private affairs private, Judge Young said, but because Acanfora made widely circulated statements of his own homosexuality, the issue became inflamed and "detrimental to the educational process." Going on television was not essential to Acanfora's court case, the judge ruled, and "inevitably sparked additional controversy regarding the subject of homosexuality and the classroom."
>
> "Plaintiff's offense lies in his exceeding the bounds of reasonable self-defense," Judge Young declared. "Even assuming the antipathy of parents, and of school officials, to be unreasonably intolerant, the court notes that immediate aggravation of anxiety and conflicts between students, parents, faculty, and officials varies directly with the notoriety of this case and detracts from the educational process. Secondly, a difference of expert opinion exists as to the influence of a known homosexual teaching in junior high school and the differentiation of gender identity, especially of bisexuals. Thus the fear of parents cannot be definitively characterized as 'undifferentiated apprehension or fear of disturbance.'"
>
> Young weighed the testimonies of several psychiatrists who appeared for the school board against that of psychologists and psychiatrists who testified on behalf of Acanfora. He gave a nod to the testimony of Dr. John Money, psychologist and pediatrician of the Johns Hopkins University Medical School, who testified that a person's basic sexual identity is pretty much determined by age five or six. But opposing testimony, claiming that the presence of a homosexual teacher would offer a positive model that would attract those few eighth graders who had not yet set their sexual identity, left troubling question marks in the judge's mind. He ruled:
>
> > While Dr. Money's research and opinion deserve special recognition, it would be premature to state definitively that Acanfora's presence in the classroom will have no deleterious effect . . . a finding that sexual orientation is, in large part, pre-disposed by age five or six does not preclude an incremental effect of a teacher on a bisexual adolescent.

Although speculation has drifted to the numerous positive and

> negative effects different kinds of teachers may have on particular students, a court cannot ignore the specific danger noted by (the school board's) experts. The danger does not seem as great or as likely as defendants have assumed, but it is not illusory.
>
> In conjunction with the attitudes of parents and interested citizens in the school community, the instruction of an eighth grade earth science class by a known homosexual poses sensitive problems, both for relationships among students and between students and parents. [See Appendix for complete text of Judge Young's decision and for the decision of the U.S. Court of Appeals, which ruled that Acanfora's television appearances did not justify the action taken by the school system, but that his omission on an application form of his membership in a homophile group was deliberate and thus "precluded him from maintaining suit seeking return to teaching position."]

Though parts of the Acanfora decision are encouraging to homosexuals, the end result still keeps Acanfora out of the classroom. The fight for gay teachers' rights must continue outside the courtroom, as proposed by Senterfitt in the conclusion of "The Trials of a Gay Teacher":

> We must wage parallel political and propaganda struggles, learning from the experiences of the black liberation movement and the defense strategies of political radicals under legal harassment by the government. One major step in this direction is to demand support from professional and labor organizations, on the basis of their traditional principle to protect workers from firing on grounds unrelated to job performance.

# LITERATURE AND OUR GAY MINORITY

[Conference Address for the Iowa Council of Teachers of English,
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**Louis Crompton**

# LITERATURE AND OUR GAY MINORITY

On looking at the courses offered at one American state university last summer, I noticed programs in Black Studies, Spanish-American, Asian-American and Women's Studies. There may have been other "minority" programs, but I clearly recall these four. Several of the courses were offered in departments of literature, and most of them are having at least an indirect effect on us as teachers of English. Does any of us approach such books as *Huckleberry Finn*, Cooper's Indian novels, or *Uncle Tom's Cabin* the way he would have ten or fifteen years ago? Their very titles have taken on new overtones. For all we know, our freshmen may be jumping to the conclusion that Uncle Tom is the villain of Harriet Beecher Stowe's novel.

A decade of concern for social rights in the United States has created a new sensitivity in teachers. The white Anglo-Saxon Protestant male is becoming more adept at seeing the world through the eyes of people of different races, religions, and colors, and may even, if he has read some of the more challenging of the writers on women's rights, have tried the experiment of imagining himself a woman. The latter challenge is, of course, by far the most frightening, since there is always in any man's mind the nagging doubt as to whether he has made it as a male, that is, as a member of the privileged sex. But at this point I can imagine that at least some of you are ready to object that you have heard enough on this score. Surely, you must feel—with understandable impatience, arrogant assumptions of superiority based on color or gender are no longer part of the average English teacher's makeup. Can we not forget about these matters for a while, and get back to our proper jobs as scholars and educators in the humanities, back say, to Plato and Shakespeare and Whitman, where these problems will not tease us?

Well, the very linking of these three names may have suggested that the answer to that question is "no." Indeed the next time you teach such classics as the *Symposium* or the *Phaedrus* or Shakespeare's *Sonnets* or *Leaves of Grass*, you may be in for some sharp questions from a new minority that is now becoming aware of itself on campuses. You may even face some rather outrageous behavior on the part of homosexual students who want to let you know *they* are there, and that your tacit assumption that you are addressing a heterosexual audience all of whom share a heterosexual outlook is one they find obtuse and offensive.

This new reaction ought not, on reflection, to surprise us. The staggering fact is rather how completely, during the three hundred years they have existed, American colleges have succeeded in ignoring their homosexual student minorities. Yet if our statistics mean anything, about ten percent of the students who have been attending American schools and graduating are predominantly homosexual in orientation. In the state of Iowa this means that you may come from a college where blacks are few, and Chicanos and Indians wholly absent, but the one minority you do have on hand (the state's biggest minority as a matter of fact) is a homosexual minority, no matter how small your school. If you do not have a thousand or two thousand gay students on your campus, you have at least several hundred. You can do your own figuring.

If your class in English has forty students you probably have three or four or five gay students in it. They will pay ten percent of the tuition fees collected by the college, and as tax-payers contribute somewhat more than ten percent of your tax support. Yet five years ago the idea of holding a same-sex dance on your campus to meet the social needs of this group would have been unthinkable. That such dances are now being held in most states is the result of the appearance of two or three hundred gay student organizations throughout the nation. I do not want to give a history of the Gay Liberation Front here. I will simply note that the movement arose as a parallel to the black movement, the women's rights movement, and the anti-war movement, and that it got its impetus from the Stonewall Riots in Greenwich Village in June 1969, which seem to have acted psychologically on America's young homosexuals as the fall of the Bastille did on the Parisians a hundred and eighty years earlier.

What then, do these dramatic changes mean to us as literary scholars? I would like to speculate on two profound effects they are likely to have on research and teaching. Perhaps you do not realize what a strong taboo has existed on homosexuality as a subject for literary research. But I know of only one monograph on homosexuality in literature, and the individual essays that have come to my attention could be counted on the fingers of one hand. This does not mean that homosexuality has not been a theme in the writings of some well-known literary critics–Leslie Fiedler, for instance. But somehow Mr. Fiedler's speculative theorizing leaves me unsatisfied, and even irritated at its unreality and remoteness from the social facts. There is going to have to be a good deal of exacting historical research, and since many of the key documents on the biographical side have been destroyed or hidden away, this is not going to be an easy job.

One body of literature dealing with homosexuality, however, has been generally available to western civilization for thousands of years. I mean of course the Greek classics. They formed the staple of education not only in Greece itself but in Rome till Rome fell, and they were central to what we call the revival of learning in the Renaissance. More than anything else, the rediscovery of Greek was the impetus behind the rise of modern humanism, Christian and non-Christian alike. Of all societies earlier than our own, there is no doubt that ancient Greece carries the greatest intellectual prestige. It has been called the "world's most gifted civilization." One recent writer on the subject says that Greece appears to have combined "virility and sensitivity, action and contemplation, spiritual refinement and sexual impulsiveness in a way that often makes modern man envious."[1] But the place of honor

Greek literature held in European and American education for three hundred years created a paradox. In a moral and religious milieu which was antisexual in general and violently hostile to homosexuality, here was a literature which did not skirt the facts of sex and went so far as to present homosexuality in a tolerant and even honorific light. Byron, who had a penchant for bringing up matters other people liked to avoid, grasped the situation clearly. Those of you familiar with his *Don Juan* will remember the first canto of the poem includes an account of his hero's schooling. With ironic relish Byron tells us of his mother's anxiety about exposing her son to the facts of life:

> The languages, especially the dead,
> The sciences, and most of all the abstruse,
> The arts, at least all such as could be said
> To be the most remote from common use,
> In all these he was much and deeply read:
> But not a page of anything that's loose,
> Or hints continuation of the species,
> Was ever suffered, lest he should grow vicious.

There is only one difficulty—the "dead" languages Juan is to be taught were Greek and Latin. Byron goes on to indicate how Juan's reading of such literature will subvert Donna Inez' intentions:

> Ovid's a rake as half his verses show him,
> Anacreon's morals are a still worse sample,
> Catullus scarcely has a decent poem,
> I don't think Sappho's Ode is a good example,
> Though Longinus tells us there is no hymn
> Where the sublime soars forth on wings more ample;
> But Virgil's songs are pure, except that horrid one
> Beginning with "Formosum Pastor Corydon."[2]

Anacreon, Catullus, and Sappho all wrote homosexual poems. The final reference is, of course, to Virgil's Second Eclogue, the homosexual love poem which has given its name to André Gide's famous dialogues.

In short, the challenge of Greek literature to English education was this: If the most intellectually brilliant and civilized culture the world has ever seen valued gay people highly, how valid was the nineteenth century judgment that treated them as intrinsically wicked, degenerate, perverted, and, as the profession of psychiatry developed in the latter part of the era, "sick" in a medical and clinical sense? Certainly to generations of gay students at Oxford, Paris, Bologna and Harvard the discovery of classical literature must have come as a tremendously liberating experience, as the first glimmer of light in a world which had unanimously denounced their sexual orientation as unacceptable. For remember, the message our educational system has communicated to such minority students as blacks or Indians until recently has been "you are inferior, morally, intellectually, and culturally." But to the gay boy or girl the message has been–"you should not exist," a much more crushing communication, especially since, unlike other minority students, he or she will rarely have the support of a family or school friends. If you are wondering what this does to an adolescent let me read you a letter written to a newspaper columnist:

> Dear Ann Landers: I am a Lesbian. The word makes me sick, but there is nothing I can do about it. All I know is that I am 18 years old, and I wish I were dead. I keep asking myself how I got this way and why it had to happen to me. Whenever I see a boy and girl holding hands, laughing and talking on a street corner, I feel like throwing myself under the wheels of a truck.
>
> Don't suggest a psychiatrist. I couldn't afford one on my own, and I'd rather die than tell my parents what is wrong with me. I don't know why I am writing to you because you can't help me. I guess I had to talk to somebody, and you are the only one there is.

Let me remind you once more–you *all* have young women and men like this in your classes and many, if not most, have known some degree of despair.

But was Greek culture really supportive of a gay life-style? Perhaps the ascription of this view has been, as one recent treatise suggests, merely the work of "a minority of homosexuals, bisexuals, and apologists." Well, apart from the question of what we would think of a scholar who, approaching the question of race, began by ruling out the views of "blacks, mulattos, and apologists," the point may be fairly raised. Mr. Arno Karlen, who is the writer I have quoted, and whose *Sexuality and Homosexuality* is the fullest recent treatment of the subject of the role of homosexuality in Greek culture, thinks the Greeks were, on balance, not positive in their attitude to homosexuality. Who is right, Mr. Karlen or the school of thought he is attacking?

I would like to examine his thesis by reference to two of the most influential of all Greek writers: Plato and Plutarch. The question as to whether these are appropriate choices I will leave till later. The best known essay dealing with homosexuality in Greek life is, of course, Plato's *Symposium.* Given the literary reputation of this dialogue and its overwhelming influence on Greek and later European literature, I suppose it is hardly necessary to dwell on its significance. But what does Plato say there and what does he mean? At the outset we run into the difficulty that the *Symposium* is a dramatic dialogue in which at least five speakers give diverse opinions on homosexual love affairs. How much of what Phaedrus, Pausanias, Aristophanes, and Agathon say would Plato's spokesman Socrates go along with?

Perhaps it will help matters to review the stands these men take on love between men. Phaedrus, the youngest, briefest and most enthusiastic of the speakers thinks there is no

> greater blessing to a young man beginning life than a virtuous lover. . . . For the principle which ought to be the guide of men who would live nobly—that principle, I say, neither kindred, nor honor, nor wealth, nor any other motive is able to implant as surely as love.[3]

A boy beloved of a man will never disgrace himself because he will fear losing the esteem of his lover.

> If there were only some way of contriving that a state or army should be made up of lovers and their loves, they would be the very best governors of their own city, abstaining from all dishonor and emulating one another in honor; and when fighting at one another's side, although a mere handful, they would overcome all men.[4]

He then cites as an example the love of Achilles for Patroclus in the *Iliad.*

The next speaker chides Phaedrus for failing to discriminate between two kinds of love, which he calls the heavenly and the common Aphrodite. Pausanias tell us that different parts of Greece have different traditions as to what we would now call "Greek love." In Sparta and Athens the rules are perplexing, but in Elis and Boeotia "universal sentiment is simply in favor of these connections, and no one, whether old or young, has anything to say in their discredit." The Ionians and barbarians disapprove, but this is because their rulers regard lovers as a threat to tyrants—and he reminds the audience of the Athenian patriot lovers Aristogeiton and Harmodius who overthrew the tyranny in the city and led the way to democracy. Generally, in Athens, "to love and to be loved is held to be a very honorable thing," though some parents disapprove of their sons' suitors. The key to the matter, Pausanias thinks, is whether the love is purely sensual or is of the spirit as well as the body, and conducive to wisdom and virtue. Only in the latter case may the beloved yield with honor to the lover. Such loves, he believes, may be lifelong.

Aristophanes' speech is perhaps the most surprising to a twentieth century reader, for he goes one step beyond Pausanias to argue, not just that homosexual love is deserving of honor, but that it is higher than heterosexual love. There are, he says, men who

> hang about [men] and embrace [them], and they are themselves the best of boys and youths because they have the most manly nature. Some indeed assert that they are shameless, but this is not true; for they do not act thus from any want of shame, but because they are valiant and manly, and have a manly counten-

> ance, and they embrace that which is like them. And these when they grow up become our statesmen, and these only, which is a great proof of the truth of what I am saying.[5]

After a flowery panegyric on love by Agathon, Socrates concludes the debate. True love, he declares, is love of the beautiful and the good. On one level it works through procreation, as with men and women. Higher still is intellectual procreation by which one lover inspires another to create law codes and other social institutions. The beauty of mind is thus more beautiful than the beauty of outward forms. The lover will teach the beloved to see the ultimate beauty which is the beauty of institutions and laws. This is absolute beauty, divine beauty, far beyond the beauty of "fair youths and boys." At the end of the party the half drunk Alcibiades tells how he once tried to seduce Socrates and failed.

The problem of interpretation here of course is to decide if Socrates, who obviously prefers ideal love to love of the body, views homosexual acts as simply a lower step in the ladder of philosophical love or whether he rejects them as intrinsically bad. There is so much urbane charm about the *Symposium* that it is hard to imagine Socrates as being morally censorious. But when we come to its companion piece the *Phaedrus*, Socrates' myth of the soul as a charioteer driving a white and a black steed leaves no doubt in my mind as to where he stands. The black steed symbolizes passion, including all physical relations between men, which he condemns, even using the word "unnatural." Indeed, when we come to the *Laws* Plato reveals his true colors, which appear to be those of a man who is psychologically homosexual but who is as wedded to asceticism, say, as St. Augustine or J. Edgar Hoover. The *Laws* are generally dismissed by scholars as a badly written and graceless production of Plato's old age, but they are nevertheless a most revealing document. Here Plato denounces homosexual relations as unnatural because animals (he believes) do not indulge in them. Homosexual love in its pure form is ennobling but any bodily satisfaction is an outrage. At present, he thinks, Greek public opinion definitely favors such relations but he proposes a device which may reverse this situation. The trick is to create the same kind of taboo, by playing on men's religious fears, as exists in the case of incest. We should all emulate the athletes who train for games by abstaining from sexual relations. The victory over pleasure (especially sexual pleasure) is itself the life of bliss. He would like to pass a law entirely abolishing the love of males in the physical sense.

Here Plato seems to want to assign the homosexual to the pariah status he actually held in the early Christian period and still holds today in modern America where he is excluded from citizenship, and from federal and other employment and from military service. But does not Plato's position in the *Laws* substantiate Karlen's view that the Greek attitude towards homosexuality was not a positive one? On the whole I would say it does not, since Plato, in making his proposal, also assumes that Greek public opinion will not support him. But was it about to change shortly after? This question is interesting because of the frequently made contention that homosexuality in Greece was a practice condoned by an upper class élite for only a brief period of time during and shortly after the age of Pericles.

In order to correct this view, which I think is as misleading as the contrary one that all Greeks approved of homosexuality in all cases under all circumstances, I would like to turn to a highly interesting work of literature very little known to non-specialists. I am referring to Plutarch's *Dialogue on Love.* The general neglect of this dialogue, which is included among Plutarch's *Moral Essays,* seems to me unaccountable since it is written with great charm and humanity and centers about a piquant dramatic situation. Briefly, the background of the discussion is this: a young man, Bacchon by name, has attracted the attention of a number of male suitors. A rich widow named Ismenodora has been commissioned by Bacchon's mother to find a bride for her son. After due consideration, Ismenodora decides that Bacchon is such a desirable catch that the thing to do is to marry him herself. She literally kidnaps him on his way home from the gymnasium, garlands him with flowers, and bears him off to a wedding ceremony she has herself arranged for. All this arouses intense indignation among Bacchon's male lovers, a brawl nearly breaks out, but, being Greeks, both sides decide instead to engage in a philosophical debate as to which is better, homosexuality or conjugal love. Plutarch, who appears as the main speaker in his own dialogue, himself takes the side of conjugal love. So far, so good. The startling thing to the modern reader, however, is the form the argument for conjugal love takes. For Plutarch's position is that in warmth and depth of devotion, and even in heroic self-sacrifice, conjugal love can rise to the heights of homosexual affection.

At this point I think it is instructive to remind ourselves who Plutarch was and where and when he lived. He was, of course, a historian and moral philosopher, and he lived not in Athens or Rome but in Chaeronea, a town so small it was hardly a respectable village. His religious conservatism led him to become a priest at Delphi, despite the fact that the cult was at this time rather passé. If he were living today he would probably be the respected head of some small religious college in the midwest. Even more striking are the dates of his life, which most scholars place at about 46 to 120 A.D., that is, about 500 years after the writing of the *Symposium.* I would therefore argue that a liberal attitude to homosexuality in Greek culture was remarkably persistent. There is evidence that it lasted for about a millennium.

## Shakespeare and the Renaissance

Having spent so long on the Greeks, I now want to jump ahead for a brief look at Shakespeare and the English Renaissance. Was Shakespeare homosexual? The question is certainly an inescapable one for any teacher who ventures to assign Shakespeare's sonnets. For we have to face up to the fact, embarrassing or not, that what critics have called "the finest love poetry in the world" was not written by a man to a woman, or a woman to a man, but by one man to another. Nor do I think we can dodge the issue by saying that the feelings Shakespeare is expressing are merely those of warm friendship. What he is talking about is *love* and it is a passionate and intense love, full of anxiety and pain, jealousy and self-abnegation. And in Sonnet XX, the crucial one for the question we have raised, Shakespeare is very emphatic about how it is the feminine side of the young man's appearance and temperament that attracts him:

> A woman's face with nature's own hand painted,
> Hast thou, the master-mistress of my passion,
> A woman's gentle heart, but not acquainted
> With shifting change as is false women's fashion;
> An eye more bright than theirs, less false in rolling:
> Gilding the object whereupon it gazeth. . . .

It is not my intention to review the enormous controversy these lines have raised, which began at least as early as 1780, when George Steevens, in the course of editing Shakespeare's poems declared that it is "impossible to read this fulsome panegyrick, addressed to a male object, without an equal admixture of disgust and indignation." I would like, however, to make one point. C. S. Lewis has argued that the poems should not be taken in any homosexual sense because–

> Shakespeare, and indeed Shakespeare's age, did nothing by halves. If he had intended in these sonnets to be the poet of pederasty, I think he would have left us in no doubt; the lovely paidiká, attended by a whole train of mythological perversities, would have blazed across the page.[6]

Frankly, I doubt this. There is an impression common among many people that the Renaissance in England and throughout Europe showed a tolerance for homosexuality akin to the Greeks', partly as a result of the revival of Greek literature. I have not been able myself to find substantial evidence for this. Apart from a few pages in Marlowe and some sonnets by a very minor poet named Richard Barnfield, the subject goes not just uncelebrated but all but unmentioned. In fact the standard formula in referring to homosexuality was to call it "the abominable crime against nature, not fit to be mentioned among Christian men." Homosexuals were still being burnt at the stake for the crime of sodomy in France in the eighteenth century, and hanged in England in the middle of the nineteenth. Even a hint of a parallel to Virgil's Corydon Eclogue in Spenser's "Shepherd's Calendar" caused a literary debate and an emphatic statement from one of Spenser's defenders that the poet had not had anything so "beastly" or "filthy" in mind. When Italy's leading Platonist, Ficino, published his Commentary on the *Symposium* in the fifteenth century, he interpreted all the homosexual passages allegorically. I cannot imagine any homosexual poet in the 1590's being candid on this subject in poems addressed to another man.

Having said this much, let me simply add, without reviewing the debate or arguing the point, that I am personally inclined to take Shakespeare's own disavowal of any conscious sexual interest in the young man at face value. Indeed, this seems to me to be the whole point of Sonnet XX, which ends this way—

> And for a woman wert thou first created,
> Till nature, as she wrought thee, fell a-doting,
> And, by addition, me of thee defeated,
> By adding one thing [i.e., your sex] to my purpose nothing.
> But since she pricked thee out for women's pleasure,
> Mine be thy love, and thy love's use their treasure.

In short, there is no proof that the passion expressed in Shakespeare's sonnet, intense though it undoubtedly is, was overtly erotic.

If it is surprising to see how much of the medieval religious condemnation of homosexuality, deriving from the Sodom and Gomorrah story in Genesis and from the animadversions of St. Paul, survived into the Renaissance, it is even more striking to note the extent to which it persisted in the so-called Age of Reason. When the Napoleonic Code was promulgated in the wake of the French Revolution, what had been formerly a capital offense became no longer a crime at all in several major European countries. By what stages did the change which allowed this new lenience come about? What little scholarship we have on the subject throws almost no light on the question. It is perhaps natural that so crusty a novelist as Tobias Smollett should denounce homosexuality as "an appetite unnatural, absurd, and of pernicious consequence" in *Roderick Random,*[7] the only classical English novel I know of that even mentions the subject. But the attitude of social reformers does not seem to have differed much from Smollett's. Voltaire's essay on "Socratic Love" in the *Philosophical Dictionary* bristles angrily at any historian who would countenance homosexuality at all, and hotly denies that it was tolerated in Greco-Roman antiquity.

Another luminary of the Enlightenment, Edward Gibbon, adopts an "end of the tongs" approach when discussing the anti-homosexual legislation of the early Christian Emperors in his *Decline and Fall of the Roman Empire:*

> I touch with reluctance and despatch with impatience a more odious vice [he has been talking about laws against adultery] of which modesty rejects the name and nature abominates the idea.

Gibbon is, however, shocked at the extreme cruelty of the tortures that attended Justinian's anti-homosexual campaign in the sixth century and the way in which "a sentence of death and infamy was often founded on the slight and suspicious evidence of a child or a servant."[8]

In 1776 the Declaration of Independence promised the right of "life, liberty, and the pursuit of happiness" to all men. It is sobering to realize that at the same time English legal authorities were still arguing that at least one minority had no right to life at all. Here is the century's most famous jurist, Sir William Blackstone, writing on the subject of homosexual offenses in the most influential of all treatises on English law:

> This [crime] the voice of nature and of reason, and the express law of God, determine to be capital. Of which we have a signal instance long before the Jewish dispensation, by the destruction of two cities by fire from heaven; so that this is a universal, not merely a provincial precept. And our antient law in some degree imitated this punishment by commanding such miscreants to be burnt to death; though Fleta says they should be buried alive.[9]

If we extend the meaning of "genocide" to cover sexual as well as racial minorities, we can, without exaggeration, call Blackstone's policy "genocidal."

### Victorian Liberalism and Whitman

At this point we face another surprise in our survey. This is, to put it briefly, that the Victorian period was the first in post classical times to portray homosexuality sympathetically in literature in any significant way. The reasons for this remain mysterious. Why did the age of Bowdler and neo-Puritanism in English and American literature, when any frank reference to sex at all in fiction was taboo, produce the first non-hostile literature about homosexuals? Why, after 1500 years, did the Zeitgeist begin to move perceptibly in a new direction? Perhaps the ideas the eighteenth century had developed about human dignity and the value of human affection were finally bearing fruit in a later age. Whatever the cause, after two millennia of silence, Europe's largest but least acknowledged minority began to raise its voice, though timidly and hesitantly at first. An obscure Swiss published a study of Greek love about 1830. Then in the 1860's a German law clerk wrote, pseudonymously, a whole series of books dealing with homosexuality—not now as a vice or crime, but as a psychological identity, and wrote them from a personal point of view. His name was Karl Heinrich Ulrichs and his work had an important effect of interesting medical men, for the first time, in the subject. This produced results both good and bad. But since we are considering homosexuality as teachers of English and American literature let me turn instead to these fields.

When we look at nineteenth century English literature we are immediately faced with a document wrapped in all but impenetrable mystery. This is a confessional poem called *Don Leon*, purportedly by Byron, but now thought to have been written by George Colman the younger after 1830. It gives an account of Byron's homosexual love affairs—that is the only appropriate word for them—with a Cambridge choir boy, John Edleston, and a Franco-Greek boy named Nicolo Giraud. Modern scholarship has now gone a long way towards confirming what must have seemed to the Victorians a merely scurrilous innuendo. But what adds a peculiar interest to these rhymed couplets is the possibility that their author may have seen Byron's unpublished autobiography and drawn upon portions of it before it was destroyed by his literary executors. The poem is unique in including (along with a good deal of ribaldry) a passionate protest against the hanging of homosexuals in England and a sympathetic and idealistic defense of same-sex love. In this last respect the document is without any historical precedent known to me in Christian times. It is thus of very great intrinsic interest in gay history. However, since no copy of the original edition exists and only a few copies of a later nineteenth century reprint have survived, the poem had no influence on other writers.

This is not true, of course, of Walt Whitman and the *Leaves of Grass*, the *Calamus* section of which became a kind of bible for homosexual writers in America, in England, and even in France and Germany. Yet I must confess, on approaching Whitman, that I feel more doubts and uncertainties about him than about any other writer in this talk. Whitman is by turns clear and ambiguous, forthright and evasive. It is always hard, in connection with any subject, to put him into a fixed perspective. If we try to see him for a minute as a representative poet of a minority group at least three problems arise. First, was he in fact homosexual? secondly, just what do his poems reveal or say on this subject? and finally, what is their relevance today?

On the first point—whether or not Whitman was homosexual—the majority consensus among informed critics today seems to be that he was. The strongest evidence on the negative side is, of course, his letter of disavowal to his English admirer, John Addington Symonds, whose study *A Problem in Greek Ethics*, possibly the first published essay on homosexuality in English, may have been directly inspired by the *Leaves of Grass*, since it was written in 1873, just two years after Symonds had first read Whitman's poems and been deeply affected by them. In response to a direct question as to whether the *Calamus* poems were to be interpreted homosexually, Whitman categorically declared—

> That the 'Calamus' part [of *Leaves of Grass*] has ever allowed the possibility of such a construction is terrible. I am fain to hope that the pages themselves are not ever to be even mentioned for such gratuitous and quite at the same time undreamed and unwished possibility of morbid inference—which are disavowed by me and seem damnable.[10]

Symonds seems to have taken Whitman's disavowal at its face value, but later critics, notably Louis Untermeyer, Malcolm Cowley, Mark Van Doren, and Edgar Lee Masters have cast doubts on it. For one thing, they point out that in the same letter Whitman also laid claim to a number of illegitimate children and grandchildren, none of whom has ever been identified. Untermeyer, in particular, dismisses the letter as a "patent invention." There are, in addition, Whitman's many friendships with young workmen, his agitated journal jottings, and his lack of serious interest in women. There is also the interesting case of the poem, "Once I Passed Through a Populous City." These lines were at one time taken as indicative of Whitman's heterosexuality because of an affair, but it has since been shown that the original manuscript referred to a "man who wandered with me there [in New Orleans], for the love of me."

When we turn to the text of the *Calamus* poems themselves we are at first teased by their apparent evasiveness. Here are some lines from the beginning of "Whoever you are, holding me now in hand":

> Who is he that would become my follower?
> Who would sign himself a candidate for my affections?
> The way is suspicious, the result uncertain, perhaps destructive,
> You would have to give up all else, I alone would expect to be your sole and exclusive standard,
> Your novitiate would even then be long and exhausting,
> The whole past theory of your life and all the conformity to the lives around you would have to be abandon'd,
> Therefore release me now before troubling yourself any further, let go your hand from my shoulders,
> Put me down and depart on your way.

All this sounds suggestive but uncertain. However, the next stanza continues:

> Or else by stealth in some wood for trial,
> Or back of a rock in the open air,
> (For in any roof'd room of a house I emerge not, nor in company,
> And in libraries I lie as one dumb, a gawk, or unborn, or dead,)
> But just possibly with you on a high hill, first watching lest any person for miles around approach unawares,
> Or possibly with you sailing at sea, or on the beach or some quiet island,
> Here to put your lips upon mine I permit you,
> With the comrade's long-dwelling kiss or the new husband's kiss,
> For I am the new husband and I am the comrade.

As Untermeyer points out, men kissing each other in private or public in America are not the "natural and nonchalant persons" Whitman ingenuously pretends they are. Any of you who saw the movie *Sunday Bloody Sunday* and felt the electric shock in the audience when the doctor turned and kissed the young artist without prior warning that they were lovers will testify to this.

It would be easy to extract further details from the *Calamus* poems—the athlete who is in love with the poet, the young man with whom he sits holding hands in the bar—but to take them out of context and lump them together would make the poems sound more blatantly amorous than in fact they are. More interesting perhaps is Whitman's idea of the social and political significance of the "love of comrades," which he sees as basic to democracy. This idea of course goes back to the Greek notion of homosexuals as the natural champions of democracy against tyranny. One poem in *Calamus* about Whitman's proposed new institution of the "love of comrades" echoes Phaedrus' speech in the *Symposium* about an army of lovers being unconquerable:

> I dream'd in a dream I saw a city invincible to the attacks of the
> whole of the rest of the earth,
> I dream'd that was the new city of Friends,
> Nothing was greater there than the quality of robust love, it led
> the rest,
> It was seen every hour in the actions of the men of that city,
> And in all their looks and words.

Whitman finds this idea of friendship, or "adhesiveness," to be the basis of Greek and German philosophy and behind the teaching of Socrates and Christ.

What is curious about Whitman is his alternating stances. At one moment he is shy and furtive about "the love that dare not speak its name,"—as if he feared public opinion or the police. Immediately after, he is cheerful, self-assured, and relaxed. Perhaps this is what happens if you take a naturally sanguine man and put him into a majority whose responses he does not feel he can trust. One stance, however, he does not take. He does not, like the young of today, confront any of the injustices or prejudices of which he must have been keenly aware. He shows what Gay Liberationists would call "Gay Pride," but not its complementary "Gay Anger." At one moment he is diffident, at another joyously liberated. But he is never defiant.

No doubt your students will show an ambivalence in responding to Whitman to match the poet's own ambivalences. Nevertheless, if you have been skipping over the *Calamus* poems in *Leaves of Grass,* I would like to suggest that you now reassess your attitude. The gay students in your class will undoubtedly be interested in them, and other students may find them useful in working through their own feelings about the diversity of human sexuality.

## Insights from Modern Novels

But what about the modern novel? That is the genre we now think of as the natural vehicle for writing about love and sex, and it is certainly the form that our students are most familiar with. However, if a teacher wants to teach a novel as a way of helping his students gain insight into the problems of our gay minority, certain difficulties present themselves. The two best written works, which rank as world masterpieces, are Gide's *The Counterfeiters* and Proust's *Remembrance of Things Past.* Gide's book is a brilliant performance but it does not really direct the reader's attention to the question of homosexuality. Gide discusses a dozen other moral and artistic issues in the book but the central relationship, between an older writer and a young boy with literary ambitions, is simply presented in an unproblematic way and not analyzed from the social or moral side. I can easily imagine a teacher and class reading the book together and ignoring this aspect of it. Proust's cycle is even less helpful. There is the question of the staggering size of Proust's canvas–it is not till the fourth book of his seven-book series that he really deals directly with homosexuality. There is also the extreme sophistication of his style and the vast complexity of his other themes. On top of this, by Proust's own admission, he translated all the pleasant side of his love experiences into the heterosexual side of the novel, and left only the bizarre and grotesque for the homosexual side.

This raises another problem. Modern American novels about homosexuality tend to turn into degradation rituals–bleak, grim, or worse. An extreme example would be Hugh Selby's *Last Exit to Brooklyn.* As Donald Webster Cory puts it:

> For the homosexual reader, the most disappointing element of these novels on the subject is the paucity of imagination, and the flight from reality that characterizes the endings. Suicide, murder, and other types of violent death, or emptiness and defeat, greet the reader.
>
> There seems to be a gentleman's agreement among publishers that there shall be no happy endings to such novels. . . . My own experience shows that homosexuals do not meet violent death at the hands of others or of themselves. They live out their lives with not more dissatisfaction than do other people: some marry and have children; others form a permanent union in a romantic attachment.[11]

As an example of the propensity to crude melodrama one might take Gore Vidal's novel, first published twenty-four years ago, *The City and the Pillar.* The first version of this book ended with the hero more or less gratuitously killing his friend. On revising the story recently Vidal thought this was an unnecessarily brutal conclusion. In the new version he only rapes him. A dozen other bestsellers whose titles might occur to you hardly rise above this level. A year or so ago when a colleague said to me, "I'd like to teach a novel about homosexuality; what should I teach?" I must confess that I felt more or less nonplussed. Today, however, I would not hesitate in making a recommendation. With the recent publication of E. M. Forster's novel, *Maurice,* I think the problem is solved. Forster's book, which was written in 1913 but not published until 1971 (shortly after his death), is on a totally different plane from any other work of fiction in English on the subject. To begin with, Forster stands beside D. H. Lawrence as one of the two best English twentieth century novelists, and *Maurice,* though not quite up to the level say, of *A Passage to India,* is a *very* good book indeed–one that can stand on its own merits in any general literature course.

Forster's novel is about the growing up of Maurice Hall, an English school boy, who is handsome, athletic, stupid, and conventional, exactly the type who, under ordinary circumstances, parrots the opinions of others and accepts society's values uncritically and who, in the course of two love affairs with other young men, one a Cambridge undergraduate and the other a gamekeeper, comes to understand that he is homosexual. He experiences some of the terror and panic of Ann Landers' young lesbian, but he finally wins through, and in the course of educating himself, despite his blunders, becomes a rather likable person. There is no violence and no melodrama but there is a good deal of very human suffering. We see how little help Maurice's teachers, his family, his doctor, and the clergy can offer him in his effort to find himself, or rather, we see what impediments they put in the way through naivety, ignorance, or bigotry. It is a sobering book for a parent or a teacher, and will educate you and your class a good deal if you read it together.

When we turn to Lesbian literature there is, unfortunately, no single work which recommends itself quite the way Forster's does. There is Sappho, whom the Greeks celebrated as their greatest lyric poet, but time and prejudice have left us all too little of her poetry. Radclyffe Hall's *The Well of Loneliness,* first published in 1928, is a noble and even a heroic work, considering the temper of the time, and it would be hard for me to overstate the personal admiration I feel for its author. No one, female or male, gay or straight, can read it wouthout a significant widening of their sympathies.At this moment of our cultural history it is almost mandatory reading for any teacher who wants to understand her or his Lesbian students. But though a good novel, it is not quite a literary classic, and its nobility is close to a noble despair. As an antidote to its gloom, perhaps students should also be exposed to some contemporary work of non-fiction, like Del Martin and Phyllis Lyon's *Lesbian/Woman,* or to Isabel Miller's pastoral idyll, *Patience and Sarah.*

In conclusion, I would like to draw your attention to a pair of essays that may serve the same function. I am referring to the little book by the Iowa-born novelist, Merle Miller, published under the title, *On Being Different.* This consists, first, of Miller's now famous piece in the New York Times, in which he "came out," that is, publicly identified himself to the world as a homosexual. Though not a work of fiction, this essay is perhaps even more relevant to your students than Forster's novel, since it could appropriately be sub-titled "Growing Up Gay in Marshalltown, Iowa." It deals at length with the feelings and struggles of an American adolescent in the 1930's in a milieu all your classes will recognize. The companion piece, a later essay on Miller's own reactions to his friends' responses to his public declaration, is an equally fascinating and enlightening human document. The two together make a small paperback.

One final thought: did it ever occur to you that about one tenth of your literature class does not relate to the standard heterosexual plots in plays and novels in the same way other students do? Or how much more meaningful they would find something that directly reflected their own experience? Think of Ann Landers' girl. With a little wisdom and sensitivity you can open the door for her, end her isolation, and help her find her self-respect.

# FOOTNOTES

[1] Arno Karlen, *Sexuality and Homosexuality* (New York: W. W. Norton, 1971), p. 12.

[2] Stanzas 40, 41.

[3] *The Works of Plato,* Vol. III, trans. by B. Jowett (New York: Tudor, n.d.), p. 301.

[4] *The Works of Plato,* p. 302.

[5] *The Works of Plato,* p. 317.

[6] Quoted by J. Dover Wilson in *The Sonnets* (Cambridge: University Press, 1969), p. xv from *English Literature in the Sixteenth Century* (1954), pp. 503-04.

[7] Chapter 51.

[8] Chapter 44, Volume II (Modern Library, n.d.), pp. 723-24.

[9] *Commentaries on the Laws of England,* Vol. IV (London: Dawsons, 1966), p. 216.

[10] Louis Untermeyer, introduction to *The Poetry and Prose of Walt Whitman* (New York: Simon and Schuster, 1949), p. 52.

[11] Donald Webster Cory, *The Homosexual in America: A Subjective Approach* (New York: Greenberg, 1951), p. 176.

## BOOKS ON HOMOSEXUALITY IN LITERATURE

### Gay Liberation

The Task Force on Gay Liberation of the American Library Association has published a bibliography of books and articles which take a positive view of homosexuality. This list, which begins on page 124 of this volume, does not include literary materials. The best book for understanding the Gay Liberation movement is Dennis Altman's *Homosexual Oppression and Liberation* (1971). The best books on Lesbianism are *Lesbian/Woman* by Del Martin and Phyllis Lyon (1972) and *Sappho Was a Right-On Woman* by Sidney Abbott and Barbara Love (1972).

### Lesbian Literature

There is an excellent study by Jeannette Foster, *Sex Variant Women in Literature* (1958). A 79-page bibliography, *The Lesbian in Literature*, is available from Box 5025, Washington Station, Reno, Nevada 89503. The Lesbian/Feminist issue of *Motive* magazine (Vol. 32, No. 1) has a list of novels, and is available for $1.00 from Box 1677, New York, N. Y. 10003. The Lesbian Bibliography of the Lesbian Resource Center, 710 West 22nd Street, Minneapolis, Minn. 55405 lists current collections of poetry.

### General Surveys of Literature

Symond's essay, *A Problem in Greek Ethics* (1873), is still the best on Greek literature. Robert Flacelière's *Love in Ancient Greece* (1960) is not as complete, but is more readily available. Arno Karlen's *Sexuality and Homosexuality* (1971) covers all periods from Greece on but is basically anti-gay. J. Z. Eglinton's *Greek Love* (1964) also reviews all periods with an emphasis on adult-adolescent relations. Donald Webster Cory's *The Homosexual in America* (1951) discusses modern literature and has an annotated check list of novels and dramas, pp. 266-315. Dennis Altman (1971) has a section on contemporary literature (pp. 151-70) and a bibliography of novels, plays, poetry, and literary criticism (pp. 231-36).

### The Greeks

In addition to the surveys mentioned above, Walter Hamilton's Penguin edition of the *Symposium* (1951) has a useful introductory essay on homosexuality in Greek society. Plutarch's *Dialogue on Love* is hard to come by in any form. It is translated in Volume IX of the Loeb Classical Library edition of *Plutarch's Moralia* (1961).

### Shakespeare

The best introduction is the article on "The Question of Homosexuality," pp. 232-39, in volume 2 of the Variorum edition of the Sonnets and the essays in Edward Hubler's *The Riddle of Shakespeare's Sonnets* (1962). The latter anthology reprints essays by Wilde, Frye, Spender and Fiedler.

**Byron**

The definitive work on the homosexual side of Byron's life is G. Wilson Knight, *Lord Byron's Marriage* (1957). Marchand's three-volume biography (1957) has much material scattered throughout. *Don Leon* has been reprinted in Bernard Grebanier's *The Uninhibited Byron* (1970). The important poems are the series of "Thyrza" elegies, and "Love and Death," "Last Words on Greece," and "On This Day I Complete My Thirty-Sixth Year," inspired by Byron's love for Loukas Chalandritsanos.

**Whitman**

Malcolm Cowley's introduction to the *Complete Poetry and Prose* (1948) is the fullest treatment of Whitman's homosexuality. Louis Untermeyer's introduction to *Poetry and Prose of Walt Whitman* (1949) follows Cowley but is less speculative. The homosexual poems are collected in Walter Lowenfels' *The Tenderest Lover: The Erotic Poetry of Walt Whitman* (1970).

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*Motive: Gay Men's Liberation Issue.* Wash., DC: Motive, Inc., 1972. (Natl. Gay Student Center, 2115 S St. NW, Wash., DC 20008, $1.)

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National Organization for Women. *N.O.W. Literature–Sexuality and Lesbianism.* Resolution 144 of NOW national conference, Feb. 1973. (Natl.

Gay Task Force, 80 5th Ave., NYC, NY 10011, 15 cents.)

*Packet of Resolutions and Statements Re: Homosexuality* [from church groups, the Natl. Organization for Women, professional organizations (incl. Amer. Library Assn., Amer. Psychiatric Assn., NYC Bar Assn., Amer. Anthropological Assn., Calif. Federation of Teachers), etc.]. (Natl. Gay Task Force, 80 5th Ave., NYC, NY 10011, $2.)

Parker, William. *Homosexuals and Employment.* San Francisco: The Corinthian Foundation et al., 1970. (Council on Religion & the Homosexual, 83 McAllister, San Francisco, CA 94102, $1.)

Tripp, C.A. *Who is a Homosexual?* Privately printed, 1966. (Barbara Gittings, Box 2383, Phila., PA 19103, 50 cents.)

*Twenty Questions About Homosexuality.* Gay Activists Alliance of New York, 1972. (GAA, Box 2, Village Sta., NYC, NY 10014, $1 individuals, 50 cents institutions & non-gay organizations, 35 cents gay groups. Also bulk rates on request.)

**PERIODICALS** *(Code for subscription rates: X=individual, L=libraries & institutions, G/L=gay and lesbian/feminist organizations, P=prisoners and state hospital patients.)*

*The Advocate.* Newspaper of America's homophile community. Box 74695, Los Angeles, CA 90004. Biweekly. X, L, & G/L, 13 issues/$4, $5 foreign; 26 issues/$7.50, $9 foreign. P, 26 issues/$3.75.

*Ain't I A Woman?* Gay women's paper–radical. Box 1169, Iowa City, IA 52240. Approx. bimonthly. X & G/L, $5, $13 foreign. L, $20. P (women), free.

*Amazon Quarterly.* Lesbian-feminist arts journal. 554 Valle Vista, Oakland, CA 94610. Quarterly. X & G/L, $4, $5 foreign. L, $6. P (women), free.

*The Body Politic.* Gay Liberation journal. 139 Seaton St., Toronto, Ont., Canada M5A 2T2. Bimonthly. X, L & G/L, 6 issues/$2 Canada, $2.25 USA, $3.25 overseas airmail. P, free.

*Cowrie.* Lesbian/feminist. 359 E. 68, NYC, NY 10021. Irregular. X & G/L, 10 issues/$5. G/L bulk rate 30 cents each. L, $10. P (women), free.

*Dignity.* A national publication of the gay Catholic community. 755 Boylston, Rm. 514, Boston, MA 02116. Monthly. X (except Catholic religious), L, & G/L, $10. Catholic religious, $5. P, free.

*Fag Rag.* A gay male publication. Box 331, Kenmore Sta., Boston, MA 02215. Quarterly. X, L, & G/L, 12 issues/$5, 50 cents each. P, free.

*Focus.* A journal for gay women. c/o Boston DOB, Rm. 323, 419 Boylston, Boston, MA 02116. Monthly. X, L, & G/L, $5. P (women), free.

*The Gay Alternative.* Journal for gay people. 232 South St., Phila., PA 19147. Bimonthly. X & L, 10 issues/$3.50. G/L, same but will exchange. P, free.

*The Gay Christian.* A journal of Metropolitan Community Church. MCC/New York, Box 1757 GPO, NYC, NY 10001. 4-6 issues a year. X, L, & G/L, 12 issues/$5 3rd class, $7 1st class. P, free through MCC prison ministry.

*Gay Liberator.* A newspaper of gay activism. Box 631-A, Detroit, MI 48232. Monthly. X & G/L, $3, $4 outside USA, L, $10. P, free.

*Gay People and Mental Health.* Newsletter on events & resources. Box 3592, Nicollet Sta., Minneapolis, MN 55403. Monthly. X, $6. G/L, same but will exchange. L, $12. P, free.

*Gay Sunshine.* A journal of gay liberation. PO Box 40397. San Francisco, CA 94140. Bimonthly. X, L, & G/L, 12 issues/$5, $9 1st class, $7 overseas, sample copy 50 cents. Discount on bulk to G/L. P, free.

*Homosexual Counseling Journal.* Quarterly Journal to the Helping Professions. 921 Madison Ave., NYC, NY 10021. Quarterly. X, $10. L & G/L, $15. P, free.

*Interchange.* Magazine of the National Gay Student Center. 2115 S St. NW, Wash., DC 20008. Bimonthly. X & L, $3. G/L, same but will exchange. P, free.

*Journal of Homosexuality.* Journal for the mental health & behavioral science professions. Haworth Press, 53 W. 72, NYC, NY 10023. Quarterly. X, G/L, & P, $12. L, $25. First issue Spring 1974.

*It's Time.* Newsletter of the National Gay Task Force. NGTF, Suite 903, 80 5th Ave., NYC, NY 10011. Monthly. X & L, $15 (includes regular membership in NGTF). G/L & P, free.

*Lavender Woman.* A lesbian paper. Box 60206, 1723 W. Devon, Chicago, IL 60660. 8-9 issues a year. X & G/L, $3. L, $6. P (women), free.

*The Lesbian Feminist.* A political and arts newsletter. Box 243, Village Sta., NYC, NY 10014. Monthly. X, L, & G/L, $3. P (women), free.

*The Lesbian Tide.* Feminist publication by and for the rising tide of women today. The Tide Collective, 373 N. Western Ave., no. 202, Los Angeles, CA 90004. Monthly. X & G/L, $7.50. L, $10. P (women), free but donation requested.

*Long Time Coming.* Canadian lesbian/feminist newspaper. Box 161, Sta. E, Montreal, Que., Canada H2T 3A7. Monthly. X & G/L, $5. L, $7. P (women) free.

*Out.* A gay magazine. Box E, Old Chelsea Sta., NYC, NY 10011. Monthly. X, L, & G/L, $6 USA & Canada, $9 foreign. (Cover price $1; G/L may buy in bulk @ 50 cents for resale.) P, free. First regular issue March 1974.

*Sappho.* The only lesbian magazine in Europe. BCM/Petrel, London WCIV 6xx, England. Monthly. X, L, G/L, & P, £4.66 sealed, £3.28 wrapper. Pay in Sterling only by International Money Order.

*Sisters.* A magazine by & for gay women. 1005 Market, Suite 402, San Francisco, CA 94103. Monthly. X, L, & G/L, $5, $7 Mexico & Canada, $10 overseas. P (women), free.

*Tres Femmes.* Publication for women. c/o Gay Center for Social Services, 2250 B St., San Diego, CA 92102. 2-4 issues a year. X, L, & G/L, 4 issues/$3.50. Single copy $1. 10 copies same issue $9. P (women) free.

**AUDIO-VISUALS** *(We recommend that non-gay audiences who use these A-V materials do so only with knowledgeable gay persons present to answer questions.)*

*Home Movie,* by Jan Oxenberg. 16 mm film, color & b/w, sound, 11 mins., 1973. Multi Media Resource Center, 540 Powell, San Francisco, CA 94108, est. rental $20, est. purchase $100.

*A lesbian tells of the unfolding of her love for other women. Scenes from her parents' home movies show her imitating her mother's role at home as a child, and cheerleading in high school. Today she and lesbian friends play football and take part in a Gay Pride March.*

*The Invisible Minority: The Homosexuals in our Society,* by deryck calderwood and Wasyl Szkodzinsky. 3 color filmstrips with 3 records, approx. 20 mins. each, 1972. Dept. of Education & Social Concern, Unitarian Universalist Assn., 25 Beacon, Boston, MA 02108, purchase only, $60.

*The best general introduction to gay people and the gay liberation movement so far available in A-V. Remarkable for number and diversity of gay people portrayed. Parts dated. Heavily focused on East and West coast cities. Poor treatment of drag, transsexuals, and transvestism. Excellent sequence of a college student's dialogue with her hostile father. First two sections can be used without the third. Sound often hard to understand; effort should be made to get top-quality sound system for the records.*

*Lavender,* by Colleen Monahan and Elaine Jacobs, 16mm film (also 8mm and video-cassette), color, sound, 13 mins., 1972. Perennial Education, Inc. 1825 Willow Rd., Box 236, Northfield, IL 60093, rental $17, purchase $170.

*A glimpse at the life of a young lesbian couple, one a seminary student. Too short to portray their relationship in depth and complexity, but a wholesome and happy story. Sound quality uneven.*

*On Being Gay.* Cassette tape, 60 mins., 1973. Thesis Creative Educational

Resources, Box 11724, Pittsburgh, PA 15228, purchase $5.98.

*Primarily for church study groups. To be heard in six sessions. Printed Study Guide with tape has questions for discussion of each part. Interviews with adult and teenage gay people, female and male, and with a lawyer, a minister, a psychiatrist, and a seminary president.*

*A Position of Faith,* by Michael Rhodes. 16 mm film, color, sound, 18 mins., 1973. Contemporary/McGraw-Hill Films, 330 W. 42, NYC, NY 10036, rental $25, purchase $250. Rental also at $15 from Office for Audio-Visuals, United Church of Christ, 600 Grand Ave., Ridgefield, NJ 07657.

*Should a person who is gay be ordained to the ministry? Intended to promote dialogue in local churches, this film explores the issues that arose before ordination of Rev. William Johnson within the United Church of Christ in June 1972. Does not attempt to deal with biblical questions. Slightly weighted toward anti-ordination opinion, but includes favorable comments by young people Johnson worked with in church.*

*Sandy and Madeleine's Family,* by Sherrie Farrell et al. 16 mm film, color, sound, 29 mins., 1973. Multi Media Resource Center, 540 Powell, San Francisco, CA 94108, est. rental $50, est. purchase $300.

*A lesbian couple and their six children shown at home. The children's feelings are explored. The women are deeply religious and maintain close ties with the church. Interviews with a judge, a social worker, and a doctor involved in their divorce and custody cases. Interview with Margaret Mead commenting on nuclear family. Some confusing transitions.*

*Second Largest Minority* and *Gay And Proud,* by Lilli Vincenz. 16 mm films (one reel), b/w, sound, total 18 mins., 1968 & 1970. Lilli Vincenz, 5411 S. 8th Place, Arlington, VA 22204, purchase $135 prepaid (includes sound transcript), rental by arrangement.

*First film shows next-to-last of the formal picketings by gays at Independence Hall each July 4th, 1965-69. While small in numbers and conservative by today's standards, these demonstrations shocked many people in the 60's. Second film shows first Christopher Street Liberation Day parade in NYC, commemorating the first time (1969) gay people fought back in a police raid on a gay bar. The huge parade and following Gay-In in Central Park reflect the new exuberance of gay pride. Sound uneven but transcript comes with film.*

*Some of Your Best Friends,* by Kenneth Robinson et al. 16 mm film, color, sound, 40 min., 1971(?). Univ. of Southern California, Div. of Cinema, Univ. Park, Los Angeles, CA 90007, rental $25, purchase $325.

*Scenes of gay groups' meetings and of parades and demonstrations by* *gays, including a "zap" of a psychiatric meeting on behavior therapy. Reenactment of a police entrapment episode. Interviews with a lesbian and a male homosexual. Heavily California-oriented. Sound in group scenes hard to follow.*

Note: For sex education courses where materials that include portrayals of same-sex love-making are needed, request literature: (a) Dept. of Education & Social Concern, Unitarian Universalist Assn., 25 Beacon, Boston, MA 02108 "Revised Edition: About Your Sexuality" (multimedia curriculum, junior high and up); (b) Multi Media Resource Center, 540 Powell, San Francisco, CA 94108–films "Winterlight" and "Holding" (female) and "Vir Amat" and "Stamen" (male).

## DIRECTORIES

*Gayellow Pages.* Classified directory of gay businesses, services, organizations, etc. Box 292, Village Sta., NYC, NY 10014. Usually quarterly. Single issue $5; 4 issues $10 in looseleaf edition for replacing pages with changes.

*International List of Gay Organizations* No. 4. Gay Activists Alliance/New York, 1974. GAA, Box 2, Village Sta., NYC, NY 10014, $1.

*Student Gay Groups.* List of gay groups at member colleges of Natl. Student Assn., 1974. Natl. Gay Student Center, 2115 S St. NW, Wash., DC 20008, 25 cents each.

*[This bibliography was compiled by the American Library Association (Social Responsibilities Round Table) Task Force on Gay Liberation, the "first openly gay subgroup within a professional association." The ALA/SRRT Task Force "works to promote creation, publication, and dissemination of more and better materials on gay people and the gay liberation movement, and to raise and help resolve within the profession issues of discrimination against gay people both as librarians and as library users." Financial assistance for their work is gratefully received. Coordinator of the Task Force is Barbara Gittings, Box 2383, Philadelphia, PA 19103.]*

# ORGANIZING WOMEN'S STUDIES

**Nesta King**

# ORGANIZING WOMEN'S STUDIES

The purpose of women's studies is to facilitate the efforts of women to move out of their traditional roles as supporters and nurturers of a male-dominated society, and, by doing so, radically change that society.

The women's movement has attacked discrimination in educational, economic and political institutions. It has attacked the oppressive nature of the nuclear family. It has attacked the way in which women have been deprived of skills necessary for an independent life, and more importantly, the way in which the psyche of women has been shaped to accept this as natural, necessary, and right.

Women began designing new programs to meet their needs when they realized that traditional academic disciplines have no application to the life experiences of women, now or historically. They began realizing that they were going to have to re-discover their history, and that it would not be easy in a civilization whose written history is a succession of battles, wars, treaties, conquerings, and the reigns of male heads of state. They realized the necessity of anthropology courses comparing the male and female roles in different cultures, past and present; psychology courses in which the psychology of women is pursued; and courses analyzing the political and economic structures which created our sex-classed society. To change the society, women must understand what makes it work, and how it developed into what it is.

While women have been treated with prejudice or totally ignored in the academic sector, they have also been systematically prevented from learning skills they need every day of their lives, such as mechanical principles, the use of tools, and self defense. These are reserved for men, from the time that little boys are given toys which will help them to understand mechanical principles later in life and little girls are given dolls to prepare them for motherhood. It continues throughout the time they are growing up. In high school boys take shop, and girls take home economics. By the time they are in their mid-teens, both men and women are molded into creatures who need a member of the opposite sex to take care of needs that they cannot take care of themselves because they have been raised as a "girl" or "boy." So the decision to associate with one another becomes not entirely voluntary, and the marital units that ensue are necessary to have a household in which all the skills needed for survival are incorporated.

So as you begin to think of starting a women's studies program, you need to think of two kinds of courses: those which deal on an abstract level with women, and those which will provide women with the practical skills and personality development necessary for a more independent life style as they use their knowledge to change our sexist society.

## Women's Studies in a University

If you are affiliated with a university, you have the opportunity for starting courses for academic credit. But you should remember that by petitioning the university to offer courses on women, you are challenging the institution, and also asserting the right of students to choose what they want to learn about, and attesting students' ability to learn from each other, and not only from someone with a Ph.D. You are also demanding something for your work which has value on their market: academic credit. Universities are very uptight about credit, because they know that by offering a new course of study for academic credit, they are accepting the challenges of their current curriculum being outmoded, discriminatory, and inadequate. But if you are in a university, you should have the right to academic credit for pursuing a course of study dealing with women, instead of having to do it in your "spare time," thereby reaffirming the peripheral nature of women in every aspect of our society.

In planning your campaign for women's studies, the first thing you should do is call a meeting for interested women, and pool your knowledge about the university you are up against, and what it is you want to do. If you choose to seek academic credit, and unless your school is extremely liberal (and most aren't), you should be prepared for a long and arduous organizing task, and you will need to enlist all the help you can.

An early step in organizing a program with academic credit is to get some courses on women introduced into various departments. This can be done by utilizing student initiation procedures, which most universities have in some form; by singling out departments where support is strongest and success most likely; or by obtaining an individual study credit from a friendly professor for three or four of you. The success of this "experimental" section can be used as an argument for your first credit courses.

If there is a free university that is student-run and university-connected, they will very likely have the information necessary for a student to initiate a course for credit. They will also be able to advise you on tackling departments, colleges and administrators. Try to identify women faculty members who might agree to prepare and teach a course, and then build support around a specific course. Use the school newspaper: articles, letters to the editor, and editorials, if the editor is sympathetic. Hold publicized meetings, but make sure your turnout will be good because it can weaken your position to have a widely publicized meeting and poor attendance. Encourage people to write letters to the department to which you are submitting your first course. When meetings are held to consider the course, turn out in force. Get students in the department to support your demands, and to speak out in meetings. The more diversity your support appears to have, the bigger it will seem. Be prepared to argue for the course and to face an infinite variety of insults and demonstrations of ignorance.

In your struggles with a university, organizations such as the American Association of University Women and the National Organization for Women can be helpful, as well as any commissions on the status of women, or people employed by the university to insure against discrimination in hiring, usually called "affirmative action" officers.

Your university stands to gain by giving in to demands for women's courses; many universities have lost an enormous amount of federal funding because they were not abiding by non-discrimination policies set up by the Department of Health, Education and Welfare. Columbia lost 40 million dollars in a recent year because of discrimination against women. Should they wish it to appear that they are abiding by the spirit of the affirmative action guidelines, then you have a ready-made program. To the university a few courses are crumbs if they will buy your argument that women's studies would be beneficial to both of you. All universities are worried about getting sued for discrimination, and are looking for ways to prove that they are dealing with the issue of sex discrimination in more than just their hiring practices. This can be used to your advantage, and by getting them to concede these few crumbs (some courses for credit), you may eventually be able to take the whole loaf, using your women's studies program to promote the ideas of radical change in sexual roles and relationships.

## Gain Organizations' Support

Don't give up when they reject your first ten courses, and your faculty allies are intimidated. This just means that you will have to intensify your efforts. You should attempt to gain the support of every organization on campus, and as many community people as you can find. Besides holding demonstrations (which should be held *only* if you are sure you have the numbers to be impressive), you should go around to the various organizations: League of Women Voters, anti-war groups, honor societies, civic organizations, service groups, church groups, sport and recreation associations, social sororities, student government and student senate. Set up a petition drive; and promote resolutions from whatever student advisory groups departments have, as well as any other group which is visible and influential.

Don't make the mistake of not going to organizations which you think could be hostile, for two reasons. One is that you will find most students like the idea of students setting up their own course curriculum, and will support your right to do it even if they don't agree with your politics, in the old liberal tradition. So you will be able to get letters and resolutions of support from the most unlikely places simply by going and explaining your idea, and asking. The other reason is that you will create the image of being universally supported, and the university's bureaucrats will feel that any actions taken in relation to your program will be watched with interest from many quarters from which they would have expected hostility or indifference. It is also an opportunity to talk to many people who would otherwise never be exposed to the ideas of female liberation. In my experience, I have discovered that some of the meetings I had dreaded the most and had expected to be totally hostile to me were the places where the people expressed interest and enthusiasm, sometimes becoming actively involved later on. This type of broad-based organizing gives you tremendous strength, because you cannot be called a minority any longer. One of the most fundamental tenets of feminism is that people are the products of their socialization, and that given exposure to humanistic values and given some reason to change, they can and will overcome this lifelong indoctrination process. So to feel reluctance to go into "hostile groups" and talk about your politics could lose the women's movement some valuable people.

We once did a demonstration at a "Bridal Fair," and much to our surprise had many brides-to-be, very traditional in appearance, leave their seats and join us. In a discussion that followed, some of the women told us that they had never come into contact with women's liberation ideas before, but that something about us had struck a responsive note. Suggesting that you approach every possible kind of group in no way implies that you should compromise your politics. When you speak with them be totally upfront in your presentation and discussion. To do otherwise would create a crazy quilt of contradictions when speaking to such diverse groups as the Catholic Student Association and Zero Population Growth.

Once you have established several courses in various sectors of the university, you may wish to ask for a women's studies department, or a degree-granting inter-departmental program. The tactics will be essentially the same, but on a much larger scale. You will need well-documented position papers, spokeswomen, and broad support from the students and faculty. If you don't have this broad support, you need to know how to make it appear that you do. Most of the tactics discussed above can be carried out by a relatively small number of women, and will appear in the end to be the spontaneous desires of thousands of people for women's studies classes or department. If you can appear to have this much support, it is usually a self-fulfilling endeavor.

Community women should be involved in this as much as possible, as the courses and resources of the women's studies program should be open to them.

### Non-credit Programs

The decision to pursue the course of academic credit for courses, and then for full scale programs, involves much time and sacrifice. While this is going on, a program without academic credit should be established. An active non-credit program can then serve to support similar programs for credit.

Because the skills denied to women from the pink blanket on will never be accepted initially as part of a women's studies credit program at most universities, it is important to offer a non-credit program. Even after credit courses are established, including both political and personal courses, additional non-credit classes should be held to aid women in putting the theory into practice, and to insure a place for non-students in the program.

Non-credit women's studies programs generally fall into several categories which are not academic in the traditional sense.

The first of these is survival skills. An effort should be made by your group to find women to teach these skills to other women. The area should be scoured for women mechanics, carpenters, electricians, plumbers, and self defense instructors. However, if you cannot find women to teach these skills to other women, carefully seek out males who in your judgment could share the skills with women in a non-condescending and unpatronizing manner. Women who have learned the skills from men can teach them to other women. This is one reason to keep track of who completes the classes, and to encourage the rotation of course instructors so that the same people are not doing the same classes each quarter. In the beginning leading a class will be fun, and the leaders will learn more about their topic, but if they are pressed into service after the topic is old (from the *leader's* perspective), the course will begin to drag and may lack the interaction and enjoyment which a fresh and interested class leader can provide. If people continue to enjoy leading a class, and indications are that they continue to do it in a warm, low key manner, then they should be encouraged to continue, but the dynamics of the group will sour if the leader is coordinating it out of a sense of obligation only.

Women's rap groups, research groups, and speaking and writing workshops are also a necessary part of a personal liberation program. To have the confidence to act in a hostile environment, women need to feel sure of themselves (rap groups), their facts (research groups), and their ability to get a message across (speaking and writing workshops).

Women need to understand their biological functions and to get in touch with their bodies. From childhood women's sensual natures have been shrouded in guilt, and the reproductive organs made mysterious by superstition. Male doctors have encouraged women's (as well as men's) dependency on them to diagnose and explain body discomfort or disfunction for financial reasons, and because of sexist beliefs that a woman is unable to understand or take care of herself. This often calculated and sometimes callous behavior by the medical profession has made women believe that their bodies are too complicated, strange, or even dirty for them to care for themselves. So there is embarrassment and even shame when something out of the ordinary occurs in a woman's body, and even after going to see a male physician, she may remain hesitant to inquire about her problem. To overcome women's alienation from their bodies, classes in physiology are needed–complete with self-examination, especially vaginal, examination of others, and discussion on how to interpret one's own body signals. The bigotry of some members of the medical profession, along with the politics and shortcomings of the profession, should be investigated, discussed, and publicized. This will help women to stand up to their doctors and demand that their needs be met without moralizing lectures, pats on the head, or indifference. Female sexuality should be discussed openly and freely and hang-ups and myths dispelled so that the women can experience the pleasures of their bodies freely and fully. Understanding the body, totally experiencing sexuality, and feeling pride in one's uniqueness are necessary parts of a liberation process.

## Need Psychology Courses

To free ourselves we must first understand ourselves, just as to free our society we must completely understand it. To understand that the fears, feelings of inadequacy and other crippling features of female socialization are often the result of a male-oriented, authoritarian society, we need courses in the psychology of women, in addition to classes in which we learn about women's bodies. The female psyche has been badly warped in order to keep her unaware of her own potential and subservient to and dependent on men. It was necessary for men to keep women in line, because women are the bearers of the heirs in a world organized around material possessions. The men had to be sure that the child "their woman" bore was indeed theirs, and that the values of the society would be properly passed down by the women who brought up the young. So they had to control women's minds and bodies, and the process of shaping a little girl's mind had to be carried out carefully lest she rebel.

Self expression courses of all kinds should be organized and encouraged and they should probably remain non-credit courses so they can maintain an atmosphere of freedom. These classes can offer an infinite variety of possibilities for creative expression when a non-coercive, non-performance-oriented atmosphere is provided. While the courses for the development of the intellect are equally important, they require self discipline, and careful organization and so lend themselves less compromisingly to credit than personality development groups.

You will probably be able to get space in the university for the non-credit courses, and there will probably be other facilities available if you can't. Most campus organizations or groups can use space in the student union, unused classrooms and offices, and dorm public areas partitioned off for meetings. If there is a women's center, that is the best environment, of course.

## Sources of Publicity

You should print a brochure with your courses and philosophy and distribute them to the university and the community, so that everyone knows what you are doing, how they can become involved, and what the classes and program are all about. Posters with course discriptions and phone numbers can be distributed to local shops, eating establishments, hangouts, and all around the university. If the community has radio stations that will do public service announcements, talk to them about announcing your program. Use the newspapers all you can for both features and announcements. Only you know your community, so only you can know what kinds of courses and publicity the women will respond to.

There will be women in your community who will want to totally avoid the regular university, and who will not want to go to classes which have credit for university students. Offer some free-wheeling, but organized, classes for women who feel this way, in the same topics for which credit is given by the university. Women who participate in these groups and who do want college credit can often obtain individual study credit for their part from sympathetic faculty members.

Something which should not be forgotten when establishing classes is the necessity of having child care during the class meetings. Many mothers have no one to leave the children with. Poor women who might want to involve themselves in your program will not be able to afford to pay a person to stay with their children while they attend classes, so it is especially important to provide child care facilities to assure a culturally representative enrollment. To give the most and gain the most women must be free from worry about their children while they participate in groups. A system that has worked well for the Boston Women's Center School is to have every childless woman enrolled volunteer for two nights of child care during the term as part of her registration. Other programs have had men staff the child care facility.

A university-affiliated program can probably get money from the student government for the women's studies program. Many student governments would not want to fund courses for which academic credit is given, feeling that that is the university's responsibility, but would fund the publicity, office supplies and the like for the non-credit portion. If not, the program can charge a small registration fee for those who can afford it or sell ads in the catalog.

When the coordinating committee of the women's studies program is first formed, it should be as representative and open as possible, but the responsibilities should be divided up. It is not enough to say that you are a collective and things will happen spontaneously. Without any organization (organization, not hierarchy, and there is a difference), the people who are experienced organizers will be the only ones able to take the initiative, and as a result much of the work will fall on a few. It is unfair to women who are attempting to gain organizing skills to tell them to do whatever they feel like when they have no idea how to proceed. It is also self-deceiving to assume that everyone will be able to be into everything. Areas in which committees should be formed (and the membership should rotate), include credit course initiation, organizing non-credit courses, publicity, child care coordination, and course meeting place coordination. Meetings of the entire program should be held regularly, and the program reviewed and evaluated. Everything from child care to financial hassles should be talked out.

**Non-University Programs**

Beginning a women's studies program without the resources (and hassles) of a university creates some problems but allows opportunities that are not open to women who are dependent on university funding and space for the continuation of their classes.

The main problem that non-university affiliated programs have that university programs do not is in procuring adequate material resources, both money and space. In the initial stages you will need an office and a telephone to do your work. Supplies can be donated by sympathetic groups or individuals. Approach local groups including women's liberation groups, NOW, the Women's Center (if you have one, this is a great place to work out of and to find people to teach classes), and sympathetic sexually-mixed groups.

To begin, you should identify a group of women who are willing to organize the program and who have a good understanding of all of the community women's needs, and not just those of women involved in the women's movement. By establishing courses in subjects which will interest a wide variety of people, women can relate to the women's liberation movement who would never have been turned on by traditional types of organizing efforts (meetings, leaflets, rallies, and rhetoric). Since all of the courses in your program can be open to any woman without question, and since you will not be identified as a university project, you will have a much easier time making contact with working women, non-white women, and any other women who might not be interested in a university-affiliated program. So make the most of this opportunity. It has been my experience, and the experience of many other women who have organized women's studies programs, that many women will attend the classes who would not participate in any other kind of women's movement activity.

The initial organizing efforts, once your working space and telephone are procured, should go into contacting women and women's groups about what kinds of classes they would like to see, and what ideas they have for course leaders who could share their knowledge in a non-authoritarian manner. The fact that you are organizing this program can be publicized through posters in gathering places for women, and announcements in local publications. Included in this initial effort to let people know what you are doing should be requests for space to offer classes, or equipment which classes might use. Also included should be requests for child care volunteers, either women or men.

If you are successful in publicizing yourselves, you should expect calls from volunteers to do courses, and calls from people who would like for you to organize a class in something they always wanted to learn. Don't try to be too big to begin with, but concentrate more on having a well-organized and well-balanced program. While the course description should be included in the catalog, leave as much leeway as possible for women in the course to decide what aspect of the topic they want to learn and how they want to learn it.

Locating space may be a problem if you are in a hostile community. Women's Centers provide the best atmosphere for classes, but if you do not have one or if your center has not enough space to accommodate all of your classes, then you should look to churches, community centers, people's homes, and the offices or stores of movement projects, or co-ops.

Not much money is needed at first except whatever it will take you to print up your bulletin or catalog. It is possible to print a very eye-appealing brochure with very little money or experience. You can do your own typesetting and lay-out, and use either electric stenciling or photo off-set printing for a nice-looking publication which can include graphics and different type faces. Use the art of women in your area to illustrate your catalog. It will help the feeling that the women's studies program belongs to all of you. The electric stenciling process can be done by most print shops and run on any mimeo machine providing you check your stencil size to make sure it will fit the machine you plan to use. Photo off-set printing involves the use of a printer who must make a plate and use a press to print the publication. Both of these processes involve doing layout and paste-up on a plain white paper with a dark type (use a carbon ribbon, and be sure not to use blue) and line graphics. Reproducing photos is much more complicated and expensive. There are probably women in your community who know something about printing, so consult with them about the best course of action for you to take.

If you have done a good organizing effort before the doors open on your first class session, many people should already know about you. Catalog appearance and distribution is important in this, as well as the groundwork you laid while organizing the classes and locating space for them to meet in.

To hold registration or not to hold registration is a decision which varies from project to project. Some have registration in order to make sure that groups are not too large and in order to know the names and addresses of women in the classes for newsletters and future reference. If you are operating without economic support, you may also need registration to collect a fee for participating in the program. Of course, poor women should be admitted free, and, if possible, a transportation network set up for those women who need it. With registration, women could sign up for their courses and apprise you of their child care and transportation needs. If you do hold registration, do it for several days in a central place at a variety of times with transportation and child care provided. Registration can be fun if it is held in a place big enough for meeting and mingling with coffee, music and a warm atmosphere.

When the women's studies program is nearly launched, the organizers should try to avoid being irritable and cliquish—a pitfall sometimes hard to avoid when tired and harried and reaching the end of a tremendous effort. Try to keep things relaxed and smooth all the way through, and when the inevitable hassles crop up, don't let them permeate the atmosphere.

The women's movement is the first movement to attempt to organize on a large scale without hierarchy and leaders, and this is only valid when it is practiced in times of pressure as well as ease. The process is as important as the product, and organizing classes for women should be as joyful an experience as participating in them.

**Women's Studies Resources**

This is a selected list of possible resource groups and publications. Within this list should be something helpful to your group in setting up your program. Available from most of these resources groups are the names and addresses of other women who might have information helpful to you in your efforts.

General Information: KNOW, INC. has a series of publications called Female Studies. They were compiled by the Modern Language Association Commission on the Status of Women, and represent the most complete listing of courses in one place.

*Female Studies I*–This contains syllabi and bibliographies from some of the first Women's Studies courses offered around the country.

*Female Studies II*–This contains syllabi and bibliographies of Women's Studies courses. $4 plus $.25 handling charge.

*Female Studies III*–This is more syllabi and bibliographies plus a discussion of selected courses. $4.50 plus $.25 handling charge.

*Female Studies IV, Teaching About Women*–essays about how to teach

Women's Studies classes. $2 plus $.25 handling charge.

*Female Studies V*–This contains proceedings of a conference on "Women and Education: A Feminist Perspective," which was co-sponsored by University of Pittsburg and the MLA Commission on Women. This includes 17 essays on women, education, sexism and female studies. $4.50 plus $.25 handling charge.

*Guide to Female Studies No. 1*–This publication contains a list of over 600 courses, giving course title, instructor, department, school and address. This is a very useful publication to be able to determine what universities have programs, or even a few courses. $.75 plus $.25 postage and handling.

*Guide to Female Studies No. 2*–This is a supplement to Guide No. 1, listing over 500 additional college, high school, in-service, community and continuing education courses. $1 plus $.25 postage and handling charge.

The above are available from:

KNOW, INC.
Box 86031
Pittsburg, PA 15221

(KNOW will send a list of additional publications on request)

Another publication of the MLA Commission on the Status of Women is:

*Female Studies VI*–Closer to the Ground: Women's Classes, Criticism Programs–$2.50 plus $.50 postage. This is available from:

Feminist Press
SUNY
College at Old Westbury
Old Westbury, NY 11568

*Women's History Research Library*–This is the primary archives for all the publications and resources of the women's movement. Located in Berkeley, the center is no longer able to answer individual requests, but has lists of publications available, including a "Herstory Synopsis," a list of women in world history. This can give women just beginning with Women's Studies ideas on who to cover in the courses and what to read as background material. They are also open to visits if an appointment is made in advance. The "Herstory Synopsis" is $1 plus $.20 handling charge. Available from:

Women's History Research Library
2325 Oak Street
Berkeley, CA 94708

*Women's Work and Women's Studies*–This was compiled by the Barnard College Women's Center, and is a bibliography of 1971 scholarly research on women and a directory of women's organizations, action projects, and communications outlets. This volume is the first of an annual series. $4.50. This is available from KNOW, INC. (The address of KNOW is listed on the previous page.)

*American Women and American Studies*–American Studies departments are often good places to gain an academic toe hold in establishing women's studies on a university campus. Betty Chmaj has written a report on activities of the American Studies Association which contains course syllabi with commentary and essays (Volume I, October, 1971; and Volume II, January, 1973). I, $3.25. II, $5.25.

*Women's Studies Newsletter*–An outgrowth of the Clearinghouse on Women's Studies at Old Westbury and recently incorporated into the Feminist Press, the newsletter is published quarterly. $5 for individuals and $10 for institutions. Available from:

The Feminist Press
State University of New York
College at Old Westbury
Box 334 Old Westbury
Long Island, NY 11568

*Edcentric Magazine: Women in Education*–*Edcentric* is a radical education magazine. This issue was put together in 1971, and so now some of the resources are slightly outdated, but the selection of articles remains worth reading. Included is an article by Roberta Salper on The Theory and Practice of Women's Studies which discusses Women's Studies in general, and some of the pitfalls which San Diego State College in particular fell into in attempting to pioneer Women's Studies; an article by Feminists on Children's Media: Sexism in Children's Literature; an article on discrimination against women in higher education; and Ann Sutherland Harris on The Second Sex in Academe. This is available from:

*Edcentric Magazine*
P.O. Box 1802
Eugene, OR 97401

*National Student Association Women's Resource Center*–This resource is particularly applicable to women organizing on campuses around various issues: Women's Studies, day care, rape crisis counseling, and institutional sexism in the university. Available from:

National Student Association
2115 S Street N.W.
Washington, D.C. 20008

*Women's Studies Abstracts*–This is a collection of abstracts on articles which appear in a variety of publications. This is useful in obtaining an overview of the way in which women are being depicted in current publications, and deciding on resources for classes. Published quarterly. Library edition (including annual index) is $10, individual subscription is $7.50 prepaid, and student subscription is $5 prepaid. Available from:

Women's Studies Abstracts
P.O. Box 1
Rush, NY 14543

**Women's Studies Programs as Resources**

**1. Non-university affiliated programs**

*Breakaway*–Berkeley

*Chicago Women's Liberation School*–A project of the Chicago Women's Liberation Union, the Liberation School has courses on practical skills necessary for liberation, and on the theoretical basis for women's liberation. Classes are held one night a week or Saturday for six weeks, and are open to any woman who registers and gives $3, if possible.

Chicago Women's Liberation Union
2875 West Cermack, Room 9
Chicago, IL 60623

*Women's Center School*–Cambridge Women's Center has a school similar to the Chicago one discussed above, and they charge a registration fee of $2.50 and are self-sustaining.

Cambridge Women's Center
46 Pleasant Street
Cambridge, MA

**2. University-affiliated**

*San Diego State College Women's Studies Program*–One of the most extensive programs in the country for credit.

Center for Women's Studies and Services
San Diego State College
San Diego, CA 95115

*Florida State University*–This program has a selection of courses for credit, and for non-credit and is open to all women from the community. The women on the Women's Studies Committee are now in the process of attempting to get a full scale credit program working in cooperation with the student-run free university.

Women's Studies Program
Women's Center
Florida State University
Tallahassee, FL 32306

*Goddard College*–Goddard has both an undergraduate program and a graduate program. The undergraduate program is in Plainfield, Vermont and the graduate program is located with the Cambridge Goddard School for Social Change.

Women's Studies Program
Goddard College
Plainfield, VT

Cambridge-Goddard School for Social Change
56 Boyleston Street
Cambridge, MA

*Cornell University*–Cornell has one of the oldest and best established programs in the country. The program is both graduate and undergraduate.

Women's Studies Program
Cornell University
Ithaca, NY 14850

# WOMEN AND CHILD CARE

**Barbara Yates**

# WOMEN AND CHILD CARE

The traditional maternal role for women has been so ingrained in us by our educational experience from birth on, that it is difficult for us to comprehend how that role imprisons women. Child care is *work*, but traditionally done by women at home, consequently it is work outside the market economy. Since we place so much value on work that earns more in the market economy, child care therefore becomes a rather demeaning task, and one that all women embrace with motherly tenderness, yet still say, "I'm just a housewife." Since there is no comprehensive system of child care outside the home in this country, many women *have no choice* but to accept total responsibility for childrearing. When she works (and 29 million women work), she must pay a babysitter or a professional child care center as much as one-third of her salary. Nearly 40 per cent of all working women are single, divorced, widowed, separated or deserted–heads of household who must work at two jobs–outside and inside the home, but be paid for only one and pay some of that for shirking her maternal responsibility. Working women and low-income women suffer most from no alternatives but the home, but middle-class women also are oppressed by the nuclear family ideal. With no readily available child care outside the home, the middle-class woman is less likely to seek work elsewhere if her husband is working or going to school. In many cases, women have more educational background than their husbands but "choose" to stay at home because there may be no adequate child care available. Coupled with the lack of alternatives is the negative attitude about "day care" that permeates our culture. As Rosalyn Fraad Baxandall points out in her paper "Day Care: Its Past and Future," the day nursery developed in this country as a philanthropic service for the poor. The Nursery for Children of the Poor, begun in New York City in 1854, provided custodial care and was staffed by wealthy women. Parallel with the rise of these charity centers was the kindergarten movement emphasizing a free atmosphere for children to learn in. "On the whole, the kindergarten tradition with its stress on education for the 'normal' child led to the establishment of private nursery schools for the well-to-do; while the day nurseries originated in a welfare tradition stressing care and protection for the neglected child and family."[1] This negative attitude toward day care persists today and prevents decent child care from developing on a massive scale. Day care centers are seen as a dumping off place for children whose mothers cannot meet their maternal obligations. In fact, it is oppressive for one woman to try to raise two or more children with very little help–oppressive to her and oppressive to the children. A real child-centered environment stresses working and liking many people, older than oneself, sharing and cooperating with other people one's own age and younger, and growing up in an environment with lots of chances for enjoying all kinds of experiences free of sex and race stereotyping. Unfortunately, most Social Service day care finds white middle-class professionally-trained women working in centers filled mostly with third-world and low-income white children. In the so-called interest of providing "quality" child care, most centers stress some parent involvement, but rely heavily on structured, traditional methods of pre-school education, preparing these children for the public schools. Except for few projects, there is no comprehensive child care for children under three; consequently, women with very young children still bear the major load, without pay or alternatives to their situation. When child care is the sole responsibility of one person, father or mother, the situation is difficult even with the best conditions, and both the parent and child suffer.

Readily available statistics can be obtained from the Child Care Research Center in Cambridge, Massachusetts, or from government sources at all levels on the need for child care. For example, 100,000 children of working mothers in Chicago need this service, but there are only places for 10 per cent of them; 8,000 children in New York City alone are on waiting lists operated by the Department of Social Services. In one unlicensed group care center in Iowa, 12 children were forced to sit and watch TV most of the day in one small room. Commented a divorced working mother, "I have no other place to send my son." How long will we have to read such stories before we understand our responsibility to develop and demand universal, 24-hour free child care controlled by the parents and children themselves?

Establishing the need of alternative child care to the nuclear family is not at all difficult, but 24-hour free child care is a right (accompanied by responsibilities), not a privilege, and should be supported by individuals and by community, state and national governments, with no restrictions. The men, women and children directly involved in child care must control the centers, and child care must be available where we work, live and study. Children have the right to grow in an atmosphere free from race, class or sex oppression, and responsibility for such growth belongs to society, not to individual women locked in the maternal role.

Radical feminists are by no means the only people espousing such views. The Day Care and Child Development Council of America insists also that "quality child care services are a right

——of every child
——of every parent
——of every community."[2]

The goal of the Day Care and Child Development Council of America is to promote the development of a locally controlled, publicly supported, universally available child care system. In testimony before the Committee on Finance, United States Senate hearings on S2003 and H.R.1, officials and educators consistently condemned the child care provisions of H.R.1 pending before Congress as entirely inadequate and potentially expensive for the very people it was to provide for. Mrs. Mary Rowe, child care economic consultant, Art Associates, Inc., states that 24-hour child care is a definite need because of people working graveyard and swing shifts.[3] She estimates that if quality child care was provided at appropriate hours at a cheap enough cost and within walking distance, 90 per cent of all parents would use child care at least part time, and that full cost might very well run to 40 or 45 *billion* dollars (a real call for radical reordering of priorities).

Brief histories of the Amalgamated Child Day Care and Health Center in Chicago and the Iowa cooperative day care movement are presented here, along with a guide for forming free centers in other cities.

## THE AMALGAMATED CHILD DAY CARE AND HEALTH CENTER[*]

The Amalgamated Child Day Care and Health Center was opened in March, 1970. It is sponsored by the Chicago Joint Board, Amalgamated Clothing Workers of America. The Union has 12,000 members in the city of Chicago, 70 per cent of whom are women.

One of the reasons the Union has become involved in the establishment of day care centers is because industry encouraged women to enter the work force, but did nothing to meet the problem of caring for the children of the mothers they encouraged to work.

The Union is not providing an opportunity for mothers to leave the home. Women in the garment industry have to leave the home—they have to work and they have no choice. Their only choice is what kind of care their children get, and in most cases today, working mothers have little choice regarding the quality of care for their children. The aim is to give the members of the Chicago Joint Board a choice. The goal is to relieve the parents from worry and tension about what is happening to their children while they are working. In addition, the Union is able to ease their financial burden while giving children the finest of care.

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[*] Material for this section was provided by the Amalgamated Clothing Workers of America.

Members were paying $17 to $25 per week for the care of their children. This is $17 to $25 a week after taxes, and the members cannot afford this. The total cost of the Center is paid for by the Amalgamated Social Benefits Association, a Trust negotiated by the Union from the employers, into which funds are paid, based on a percentage of payroll.

The Union became involved in day care because no one else was doing it. Also, it felt the tremendous need among its own members, and the day care issue was a logical extension of the philosophy of the Amalgamated Clothing Workers. They have a Retiree Center, a complete Medical, Dental, and Pharmaceutical Clinic, a supplementary health insurance program, an education scholarship grant of $700 per year, a 591 unit housing development, a full time social worker, and have just begun a prepaid legal program.

Trade union members are caught in the worst bind. They make too much money to be eligible for help from the government, and not enough money to be able to afford the market price of services they need.

When the Union made the decision to get involved in day care, they did some research and found that it costs as much to rehabilitate a building as it does to build a new one. Once they made the decision to establish a day care center, they wanted to move as quickly as possible. The Union owned a piece of property, a long narrow lot 35 ft. wide by 150 ft. long, located two doors away from the Union headquarters. They hired a construction person and an architect, and said, "Build us a building to accommodate the maximum number of children." The building is of a single story, highly functional design. It has no permanent walls within, enabling shifting screens to enlarge, enclose or alter. By eliminating walls and using portable screens, they were able to accommodate 60 children. The building features super graphics on cabinets that run along the walls and is fully carpeted for softness and warmth. The outstanding feature of the design of the building is that it lacks an institutional look. By fencing in the roof, the builders doubled the amount of outdoor play area. This innovative building cost $125,000.

## Director Is Key Person

The key item was hiring a Director who is truly knowledgeable and experienced in the field of child care. It was she who bought the equipment and determined the innovativeness and high quality of the program. The children receive complete medical and dental care and two hot meals and two snacks per day. The Union is reimbursed from the government 60 cents a day per child for food. They spend approximately $60 a week in operating costs per child. There is no charge to the member of any kind–it is absolutely free.

The Union set up the Center as a pilot program to learn for themselves and to show the way to others so that they can help establish other centers throughout the Chicago area, as well as throughout the United States. They immediately were committed to quality day care because children who spend 10 to 12 hours in a day care center need an enriched program. Employment in a garment factory, working at a sewing machine or a pressing machine, is a very painstaking, precise kind of job. The Union's members, after working eight hours a day, leave work physically and emotionally exhausted. They return home to carry out the responsibilities of running a household. Since a woman who works holds two full-time jobs at the same time, how much time does she have to give to her children? It is not very much. Union members realized the situation was difficult, and they knew immediately that they must strengthen the children's egos and improve their self image. Quality day care–if they were going to do any kind of meaningful job–presented itself naturally.

The 60 children in the Center are exposed to a philosophy whose objectives are:

> To provide an atmosphere where Union parents can leave their pre-school children and have peace of mind while working.
>
> To give the children a chance for complete development intellectually, emotionally, physically and socially under expert guidance.
>
> To add cultural enrichment to the lives of the children.
>
> The Union believes you can never be finished accomplishing these objectives; you merely continue in pursuit of them. And the way in which the Union has tried to do so is by providing in addition to its facilities a dedicated staff that remains in search of these objectives.

**Parents Can Feel Secure**

The real value of the Center, however–in addition to the watchfulness of the staff, its health precautions, and the nutrition offered–is in the positive effect generated by the secure feeling of parents in the development of the child himself: what he does; how he does it; the maturing, the evolution and development of the personality and of his potential that they can see almost day by day.

The children are exposed to music, arts and crafts, outdoor play, toys, games and equipment specially designed for pre-schoolers. On an average of once a month they go on trips to museums, libraries, forest preserves, zoos, the aquarium or other such places. The needs of each child are important to a staff, and the staff has designed educational, social and emotional curricula to suit those very needs. The Center has a complete pediatric and dental program, as well as a psychiatric social worker.

The Union believes that the staff is the key element in a day care center, and should reflect the racial, ethnic, and sexual mix of the children. The Center has three male staff members, because it is very important for male children to have male figures with whom to identify. Stereotyped sex roles in the Center are not encouraged: boys play with dolls, girls play with hammers, children all share the same bathroom. They play and learn with toys and games that in no way reflect their sex. They are encouraged to develop to their maximum potential, not as a boy or girl, but as a human being. Also, male staff members do help break down the concept that only women take care of children. Parents seeing men in the role of teachers in a day care center may break down the stereotypes of "men's work and women's work," which is particularly different, as well as difficult. People, as in any other facility, have to be educated to use it. Anyone who thinks that you are going to build a day care center and that you are going to open the doors and it's going to automatically be overrun with members' children is wrong. You must educate your own members to use these kinds of facilities. The Union conducts a continual educational program on the value of day care with their members. They carry on an education campaign at local union meetings, place stories on the Center in the regional newspaper that goes into shops, and send notices into the factories which are distributed by the shop chairmen. They invite members to visit the Center at any time and arrange for group visits through the Day Care Center before local union meetings. They have a film made about the Center that they've shown at local union meetings.

The Day Care Center, which is filled and has a waiting list, is open to male members as well as female. The priorities are: unmarried mothers first, unmarried fathers second, married mothers third, married fathers fourth. The members' families live in all areas of Chicago, and the Center serves no single geographic community. The community is the Union. One advantage of a Union, particularly one that offers multiple services to its members, is that the parents of the children in the Day Care Center can avail themselves of other programs in the Union. For example, parents who have other problems can receive help through the social worker, the prepaid legal program, or the Health Center.

Other unions and industries can certainly initiate day care centers. It truly takes one ingredient and that is commitment—commitment to spend the money.

## IOWA CITY CHILD CARE

Starting in September of 1968, the women's caucus of New University Conference discussed day care. At that time, the people were considering a staffed (not cooperative) day care center. After some research, they were convinced that it would cost at least $10,000 to open a center, and the subject was dropped. This group, however, became the roots of the women's liberation movement in Iowa City, a city of 50,000 with a university and some small industries. By September, 1969, the original group had considerably expanded in numbers, and finally in the spring of 1970, about nine of the younger women, all with children and less university-oriented than the rest of the group, met and decided to approach a church they heard might be sympathetic to the day care problem. The women contacted other women they knew with children and worked out an arrangement at St. Paul's Methodist Church. Someone agreed to do scheduling and the first free cooperative day care center in Iowa City opened. The children named it Dum-Dum. Soon they were bustling around making spaceships out of cardboard boxes, pushing wagons, playing house (with several moms, dads, brothers and sisters), drawing pictures, listening to stories that big people made up.

In late summer of 1970, a second day care center began, with help from the same women, in a church-related student center. Another co-op began in still another church, organized by an independent group later to be named Ho-Ho, and in November, a fourth started. So by fall of 1970 there were four free day care centers serving Iowa City, accommodating 87 children on a regular daily basis.

Although there were already 10 preschool and day care centers in Iowa City when these free, parent-controlled cooperatives were organized, only three offered all-day care and none would accept children under two years of age. The average cost for full daily care was $75 per month. Most of the commercial services operated primarily by providing only two half-hour babysitting sessions at an average of $25 monthly. This dearth of inexpensive alternatives to the isolated, full-time maternal care is typical of the situation everywhere.

Again, a working group of the New University Conference tried to approach the University of Iowa, which with its 21,000 students and 6,500 workers is not only a major employer, but the focus of most economic and social programs. They were politely ignored by university officials.

Eventually, representatives from the four co-op day care centers, the women's liberation group and New University Conference formed a steering committee to work with the university.

## Steering Committee Formed

The Hawkeye Day Care Steering Committee (HDSC)[*] began meeting with university representatives who were traditionally paternalistic in their dealings and traditionally evasive in their answers. The series of meetings was marked by administrators turning up late, falling asleep, refusing to answer direct questions, and refusing to argue against proposals while implying that they might not agree. At the first meeting in October (1970), HDSC presented an agenda with a time schedule calling for two pilot centers to be established by mid-November. There was no opposition, but the university management later said that it could not move that fast.

The following is the list of demands that were incorporated into the agenda:

1. They asked that the university provide and maintain space for child care; and that as part of its social obligation provide:

    --free child physicals, inoculations, and the maintenance of records, with records incorporated with student health records;
    --a pediatrician on call, and a public health nurse visiting regularly;
    --assistance in development and re-evaluation of state standards;
    --subsidies for local parental co-ops proportionate to numbers of children of university staff, students, faculty.

2. They insisted that, in principle, child care services should be free to all members of the university–students, staff and faculty–and that:

    --any special fees should be assessed only if funds now budgeted for other activities cannot be justifiably diverted;
    --any fees charged users be determined on the basis of actual costs with pilot projects providing the base for cost-estimation;
    --any fee structure for parents should consider their labor credit based on current minimum wage standards;
    --paid work-release should be provided for staff employees to work in the child care centers;
    --any fee structure should be steeply graduated, exempting all persons earning below low level incomes as established by the most recent Bureau of Labor Statistics cost of living estimates

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[*] Information for this section, and the list of demands, was provided to the author by a member of the Hawkeye Day Care Steering Committee in Iowa City.

for the nearest urban center (Cedar Rapids). Current estimates are approximately $6,000.

3. They demanded that the basic control of day care centers had to remain with parents; and, in keeping with parent control, that:

--centers be decentralized and located near residential concentrations;
--children of all ages be eligible;
--children of students, staff and faculty be eligible.

4. They asked that the university serve solely as manager of parent cooperatives; that:

--the coordination of the child care centers to be vested in an advisory board comprised of representatives of all university child care centers and representatives of university management;
--the authority of the advisory board be limited to enforcing state and/or agreed upon child care standards (the board would not establish standards);
--the board should provide regular training sessions for parents and volunteers to communicate the standards of care required.

At the second meeting, no management representatives showed up. HDSC drew up criteria for space and delivered it to the university space assignment director, requesting him to list space available. He refused. At a third meeting, no top-level management representatives showed up, so HDSC walked out and went to inspect a vacant site, a former cafeteria on the ground floor of a women's dormitory, Burge Carnival Room. When a university presidential aide appeared half an hour later, the group agreed to inspect a list of spaces offered by both sides.

### Ad Hoc Committee Appointed

In mid-November, after a report on the location of available space, the president of the university announced that he had established an Ad Hoc Committee on Day Care, which would create a model for training and research in child care. HDSC left the room to caucus, and returned to demand mass, cooperative, parent-controlled child care. HDSC now began meeting with the Ad Hoc Committee.

To dramatize their position–that there was space for cooperative day care on campus, and that there was a demand for such space–HDSC organized a baby-in. The existing centers were invited to a party in the Burge Carnival Room, a large open space with all the modern conveniences expected in a cafeteria (kitchen, small meeting rooms, laundry available, partitioned off game rooms and so on). It also turned out to have easy access to a grassy plot, and since it was a 60-degree-plus rare Iowa December day, the children assembled made full use of it.

The state would not grant the separate co-ops licenses because there were no standards for child care under two years of age. Under the threat of being closed down, the parents organized a protest rally attended by several hundred people on the university campus. After receiving help in writing standards and meeting with state officials a number of times, all the co-ops were granted temporary licenses.

Throughout the winter, negotiations continued with the university, although the university never seemed serious about providing aid for child care. The university's Chief Manager Willard Boyd outlined a position on day care which mentions that the concept of day care beyond the development of research models would be "clearly at the expense of instruction." As editor of the *Daily Iowan* pointed out at the time, "that the failure to make this extension comes clearly at the expense of the instruction of the female segment of the population is, of course, of no concern to Manager Boyd."[4] This administrator did not make clear just what he meant by research models, but it did become increasingly clear that the university was only interested in "professionally controlled" day care, which the administration-appointed committee, full of big titles and no "common folk," could be counted on recommending.

After the baby-in that demonstrated the possible space available for day care existed, the university indicated that it would be interested in supporting a child care center for children of married students. They refused to consider children under two years of age for care. The HDSC presented recommendations for sites to university officials and finally they agreed to a pilot center for university married students. According to many parents of the co-ops, HDSC people and New University Conference members were being misled by the university. Two of the churches became increasingly distressed during this controversy about child care. The Mennonite Church threw one of the co-ops out because of "cleanliness problems." After the arrival of a new minister at the Methodist Church, it became obvious to the co-op parents that the day care center was no longer wanted. Something had to be done.

In the spring of 1971, after much discussion, several parents and New University Conference members were arrested in a take-over of a house owned by the university. With the support of the campus newspaper, the parents built an effective campaign that finally forced the university to turn over three big houses to the co-ops for the cost of rent. Most people were convinced that, had the sit-in not taken place, all the people would have had was the token center in Hawkeye Court, the married student housing project.[5]

**$5,000 From State Department**

The State Department of Family and Social Services made $5,000 available to Dum-Dum in late 1971; the parents there, and at Fuck, another co-op close to Dum-Dum, decided to pay a coordinator with the money. A women's collective lived upstairs in one of the day care houses and a woman who already worked several hours a day at the centers received most of this money. All of the co-ops depend on food and equipment donations from local business and humanitarian establishments, much as the Black Panther community projects do. Staffing is handled by parents (who each work at least four hours per week, if they are able), students, and community people. Weekly meetings of staff set policy and divide up tasks. All of the co-ops have gotten on the Federal hot-lunch program, available to any day care center and recently, the government of the student body granted Dum-Dum $500. (They had asked for, and needed, $9,000 for 1972-73). At least one of the co-ops now offers Saturday child care and is open from 6 a.m. until 11 p.m. daily and until 1 a.m. on Saturday. There are some parents who hope to have Dum-Dum open 24 hours a day next year, but the center is in desperate need of funds. At this time [1972], it appears that the parents and concerned volunteers are going to have to pressure the university again for funds, since none seem forthcoming from the state. A third-world child care center for minority children was in the planning stage in the spring of 1972. A fifth child care center exclusively for working women started in the early winter of 1972. It is in a church and is staffed by church people and student volunteers; thus it, too, is free, but currently is only part-time. Since the parents work full-time, it is not a cooperative; however, the parents have full control of policy. Establishing child care on this model is one solution for involving more working people in inexpensive parent-controlled centers. With the exception of Dum-Dum, the other co-ops were largely made up of university people—students, faculty and staff. When the day care situation became an issue with the state and university, community meetings attracted some working people who supported the concept of free child care. Since that time, a number of them have become involved in the day care movement in Iowa City. By the very nature of the co-op structure, working people or many people on welfare simply do not have the time to devote to the co-op. Some alternate plan seems necessary for future development of parent-controlled, inexpensive, good child care.

In addition to these external struggles with church and state, some inevitable splits on policy developed within the co-ops themselves. One of the co-ops, containing a more middle-class group of parents, was accused of having no consciousness about free community day care. They seemed to feel no need of, or responsibility to, the greater community. This same co-op, because most of the parents were of higher income, felt no particular need to aid in the pressuring of university officials for space and funds, since they could and would pay $50 per month per person to rent a place. In the other co-ops, arguments about adult chauvinism, sexism, pacifism, radicalism and education have caused serious splits that have led to the departure of some parents to form another center. Weekly meetings were found to be necessary, and many times the meetings lasted for hours. Parents, many of them for the first time, found themselves the only people in power, controlling the kind of environment they want their children in. It is regrettable that many parents felt they had to withdraw from one day care co-op and start another because of political differences. But people need day care, whatever their philosophies. It must be the responsibility of the government and community to support ongoing and beginning child care centers, with no strings attached to funds. Absolute control must be in the hands of the people who use the centers.

Parent-controlled, free child care centers have mushroomed around the country, especially in university communities such as Iowa City. Bloomington, Indiana, the location of the University of Indiana, now has six child care co-ops, one a 24-hour center that was essentially begun by women who had to work night shifts. Their struggle is similar to that of the women in Iowa City, although the co-ops were not faced with the necessity to be licensed, as under Iowa law; however, they had to meet health and building standards. In any case, there are hundreds of inexpensive, parent-controlled, good child care centers in existence across the country; we cannot discuss them all. In the next section, however, are some suggestions coming out of our experience and that of others: "How to Start Your Very Own Day Care Center,"* hopefully applicable, with modification, for many situations.

## YOUR VERY OWN DAY CARE CENTER

### Getting Started

Originally, you will begin with a small group of committed parents and interested community people meeting to agree on:

- your conception of quality child care, for parents, children and community
- a policy on staffing—who do you want?
- an understanding of all the legal requirements
- an idea of how you will admit children—who first?
- a place that can meet all your state's requirements for health and safety standards in addition to providing adequate space for the children

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*The author was involved with day care center activities in the Ames, Iowa area.

-- equipment for children 0-6 years of age, including cribs, toddler's toys, paints and craft materials, outdoor playground equipment, trikes, wagons, etc.
-- an idea of the initial cost, given what you have defined as child care above
-- a potential, or hopefully, actual source of funds
-- a program that you will consider in the best interests of the children to grow and prosper in—a non-racist, non-sexist, free as possible environment.

**What Is It Going To Cost?**

Your expenditures are going to depend upon the kind of center your group wants. If you decide you want a counsellor for parents, an educational and recreational director, and a part-time nurse, with little parent involvement, you may plan on a budget upwards of $30,000 or even more.

With this sort of budget, some ideas are implied about "quality." There is a heavy emphasis on professionalism and consumerism that does not necessarily have to be part of a warm, wholesome environment for children. For example, the estimate on clothes is quite high, but does not need to be if your group has no aversion to obtaining second-hand clothing through various sources. One of the day care centers in Ames, Iowa, receives freshly washed children's clothes (and toys) from the garbage collectors in town. The clothes are in almost brand-new condition except for an easily patched hole here or there. Another way to avoid an over-emphasis on professionalism and consumerism is to carefully select the staff. For instance, we interviewed people applying for the director's job (after we received Title IV A matching funds for one of the co-ops) who came dressed as if for a cocktail party. Many of the professionally-trained child development graduates had little practical experience and could hardly imagine sitting down and talking to the children as human beings. That is not to say everyone university-trained in pre-school education will merely be passing on narrow, traditional values in a very structured program; but sometimes one feels that the more formal education people have in child development, the more strikes they have against them. In most big cities and in university communities, however, formally-trained people can be found who will be more than willing to help you get started and to hold workshops for training parents and volunteers in group activities. Some could even be found to work as a coordinator for what would be considered a very low salary. It is worth checking all of these possibilities. In any case, you should count on costs for:

**Staffing**—You will probably find that you will need at least one full-time coordinator who is there several hours a day, just for continuity, if for no other reason. Some day care co-ops have parents working half-day shifts and have so far felt no need for a director of any kind, but in any other sort of day care model besides strictly a co-op, a director will be necessary. Salaries will vary, depending on the qualifications you set up. A $6,000 per year salary is not unreasonable for a director with a degree in pre-school education. On the other hand, some centers have worked remarkably well with free-lance self-trained paraprofessionals who assume the job of coordinators for about $1,600 per year.

Part-time help might also be salaried positions, depending on your funding and set-up. Again, part-time people may or may not have professional training, depending on your concerns. Usually part-time people are parents or friends of parents or students.

Unless you are planning a center for 60 or 70 children, it hardly seems necessary to hire a full-time nurse or doctor, social worker or psychologist. All workers should be trained in first-aid and should know where to go for medical aid in emergencies.

**Insurance**—All centers should obtain insurance to cover every child and worker. Most group care policies are inexpensive and should include coverage for property (fire and theft) and liability for children and workers while on the premises.

**Equipment**—Here again you can spend lavishly or frugally. Toys, climbing equipment, crafts supplies can be obtained at thrift-shops or through donations or constructed by some of the parents. Advertise in your local paper and contact such organizations as the Kiwanis or Optimist Clubs, as well as local businesses. You can never overspend on equipment, but likewise you can economize, do-it-yourself, and still come out ahead. Check the bibliography for pamphlets on how-to guides on building your own equipment and organizing games with simple apparatus.

**Rent**--Depending on what kind of location you get, you will probably have to pay some rent. You should *never* have to build your own building (unless all the parents are members of a co-op building firm and you want to, for the fun of it). Universities can charge anywhere from $100 to $200 per month rent for space (however, they should be pressured to charge no rent); churches may charge even more. Check out all possibilities. Utilities, of course, can be included here and can run you as high as $1,000 per year. Try to locate in a building rent-free with cost of utilities paid. (See **Locating** below.)

**Food**—There are many programs available for snacks and lunch now. It would be worthwhile to see about the federally-funded hot lunch program which provides a good hot lunch for virtually no cost. If you find the restrictions too prohibitive, you may resort to sack lunches and snacks provided by the parents on a rotating basis. You can buy good in quantities or buy salvage food at supermarkets. (See information on meals and snacks under **What Kind of Program?**)

**Other Costs**—Telephone, postage, transportation are expenses to consider, but usually can be handled by individual parents.

### What About Getting Money?

Good child care is expensive, every report on day care emphasizes. But you do not need to think that you are going to need $10,000 or more to open. It would be nice to have it right away, but it should not be necessary to begin with. Most of the co-ops in the large cities or university communities have started with practically nothing and have maintained good programs. Nonetheless, you should begin a relentless search for funding as soon as you have a group of committed parents. Funds can come from:

**Tuition**—You should strive to eliminate cost to parents, but most parents could probably afford $10 to $20 per month, if you find you cannot meet costs any other way. If you plan on charging in the vicinity of $80 per month, then you are planning on an exclusively middle-class center that will automatically bar most of the people who need it desperately.

**Private, Non-Profit**—Churches, United Appeal, YMCA, YWCA, Community Chest and other non-profit corporations are just a few organizations to approach. Churches usually have some funds just for such projects as day care. A few hundred dollars could be raised from the churches, if you are diligent campaigners. United Appeal, Community Chest and similar organizations should be approached a few months ahead of their annual drives. Check out Optimist, Kiwanis, Lions, Elks and other business and social clubs. Sometimes they will provide equipment too. Universities or colleges nearby are veritable gold-mines, if you are willing to hassle. The amount of foot-dragging they do will be in inverse proportion to the amount of pressure you put on them. If you have any students in your day care group, it might be worthwhile to become a "student" service and ask the student governing body for funds. Any moderate-size university has nearly a quarter of a million dollars of student money to play with. You should demand some of it. Go to the president of the student body and find out what you'll have to do. Also check with local women's clubs and faculty clubs.

**Fundraising**—Besides appealing to the annual fundraisers such as Community Chest, you can be doing all sorts of things to get money. Have a rock concert (if you know any bands), a bake sale, a bingo game, a party, a bank robbery. Anything that will get people to contribute money to your cause will do. Letter appeals to middle and upper middle-class people work sometimes. Approach any and all leftist organizations around. Women's liberation groups should be more than willing to volunteer time and available money.

Public—Most public funds are for low-income children. Some state agencies require further that the mother is looking for a job or in training. Welfare is supposed to pay for child care if the mother is enrolled on the Work Incentive Program (WIN) or in school. Model Cities might have some funds available, as might your Community Action Program (CAP). CAP might be tight-fisted about funds for child care; in our experience, CAP's have a fairly negative view on child care and who should have it. Your state division of family services should have information on OEO child care programs and the Purchase of Services under ADC Title IV-A Social Security Act. IV-A is a matching fund program with 75 per cent paid by the government and 25 per cent by the state government or "local gifts." With few or no strings attached, you could probably meet the requirements for these funds fairly easily and receive a good sum of money every month. There is paper work involved, but usually state and county people will explain all the bookkeeping you need to do. IV-A funds are available, but states have the option whether to accept the program, and then may be under some other program besides "Purchase of Service." If your state has the program, it usually will be handled through county bookkeepers. About half the counties in Iowa won't do the bookkeeping for IV-A, so check to see how the program is set up in your state. All non-profit day care centers are eligible for IV-A funds. After you apply, keep at your state service officials until they have your bookkeeping set up. The beauty of these funds is that if you start with $2,000, say with your fundraising, it will be matched by $6,000 from the federal government, giving you $8,000 to work with.

You may want to write the Office of Child Development for suggestions on funding, although as one woman who works for OCD put it, there is a tendency to emphasize over-professionalization in this office.

County and city funds for child care might be available, too. Go and see the county or city director of family services about the possibility.

The Community Coordinated Child Care (or 4-C) Program takes a long circuitous route to dubious funding. Our advice is to forget it.

Foundations, such as the Carnegie Institute, may be of some help, especially if you are planning a more ambitious project such as Jamaica Plains and Roxbury, Massachusetts, Neighborhood Involvement for Children's Education (NICE). Here, the parents, who insist on maintaining control of the projects, are depending on multiple funding by state, federal and private funds. Models of their proposals can be obtained from the CHILD CARE RESOURCE CENTER, 1878 Mass. Ave., Cambridge, Mass.

**Where to Begin, How to Furnish?**

If your planning group is committed to beginning a full-time child care center as soon as possible, without worrying about immediate, large-scale funding, you need to:

(a) research and arrange all necessary legal requirements

(b) find a place

(c) put together a staff.

**Legal Requirements**—Meeting legal requirements may be a hassle, depending on where you are in the country. Many big cities have almost prohibitive licensing requirements, while other cities and states are very loose. The first step, if you're planning a non-profit center, is to *incorporate* as a *non-profit corporation.* Go to your particular state code and check under incorporation. Then supply the wanted information listed in the particular section on non-profit incorporation below an introductory paragraph:

The following corporation,_________________, is incorporating under the non-profit corporation section___________of the code of the State of _________________. Send it to the Secretary of State of your state. Usually there is a filing and recording fee, which you should include. This non-profit status allows tax-deductible donations, freedom from taxation, and a sharing of responsibility among the incorporators. It will also aid you in obtaining help from local humanitarian organizations and in eventually receiving Title IV-A matching funds. This is essentially all you have to do until you locate.

Once you've established yourself as a non-profit corporation, you will be eligible to receive government surplus. Remember, this means everything from paper clips to land in the country. Surplus property is available from both federal and state governments, and policy varies on getting it.

To contact the right people at the federal level, telephone the U.S. Government "information" number (see your phone book) in the city nearest you, and ask them how to contact the "Surplus Property Branch." Then call or write that office and ask how your organization can buy government surplus.

**Building**—The best places to look for are quarters in churches, community centers, apartment buildings, university housing, dormitories, and so forth. Separate quarters are ideal; however, if you find adequate space that you might have to share with another program, you can probably find a solution.

According to the book *No More Public Schools*, a typical procedure would be:

Pick out a church

- a. If you don't have a church in mind, go to the Yellow Pages of your telephone directory and look under "Churches" for the addresses of churches in the neighborhood where you'd like to be.
- b. Visit these churches and look for one that appears to have empty space during the week days. Also, look for one with a potential outdoor play area, and that seems to have good vibes.
- c. Telephone the church office, as listed in the telephone book. Most churches, of the kind we're talking about, have part-time secretaries who work mornings only. When you contact the secretary, tell her that you represent a private school which is looking for space to rent for a classroom.
- d. Tell the church secretary that you would like to discuss the possibility of renting space from them with the minister of the church. Ask for an appointment to come in and talk with him in person.
- e. At many churches, you may find that the phone is answered by a parishioner volunteering his or her time. You may find they are elderly people who do not quite understand what you mean by "private" school; or have a vision of "alternative" centers as freaky places; or are protecting their church from "outsiders." Don't be put off by such people since they rarely represent the attitudes of the total congregation. Most churches these days tend to be divided between elderly conservatives and young liberals, with the power in the hands of the latter. Insist on talking to the minister. He will give you the clearest picture of the sentiments of the church toward your venture.

Write up a description of your program

- a. Tell who you are: the names and addresses of your leaders, teachers, and your board of directors if you have one. Use titles in front of these names: Director, Educational Director, Consultant, Teacher, Parent.
- b. Tell how many students will be enrolled, and the age group.
- c. Tell what your program is about, but do it briefly, excluding any heavy details. Here's a model:

The (name) Day Care Center is a non-sectarian

> center for children between the ages of 0 and 6. The program will be balanced between academic learning and open personal involvement within the child's peer group. It will be supervised by (number) qualified, salaried teachers, and (number) teacher's aides. We will encourage parent involvement since we believe that a child's success in school is often dependent on the parent's understanding of his achievements.

Keep it simple. Remember, you don't want to debate educational philosophies; you want to rent a place for your center.

d. Describe educational backgrounds of your staff. Here's a model:

> Ronald Jones, our Educational Director, taught for two years in the Evergreen School District, and was a consultant to the Evergreen Experimental Schools Project. He is a graduate of Michigan State College, and holds a credential in Elementary Education. He is married, and has two children of his own, ages 3 and 5.

e. A statement of what you understand will be your responsibilities in relation to the church. Here's a model:

> We understand that we will be sharing your facilities and we will make every effort to co-operate with all groups meeting at the church during our hours of operation. In addition, we will expect to be responsible for any additional costs incurred by the church as a result of our presence, such as utilities, maintenance, repair of any damages as a result of the school operation, and the maintenance of our portion of the building in a manner acceptable to the church.

f. Tell what your means of support will be. Here's a model:

> We are a non-profit organization. The center will be supported by small tuition fees and private donations.

g. A statement of what you are able to pay for rent. Here's a model:

> In addition to the costs of utilities and maintenance for the space we use, we will be able to pay up to $75 per month for rent.

You'll be in a better position to get co-operation from the church if you are established as a non-profit corporation. Churches are non-profit too, and usually won't rent to other organizations unless they're established as non-profit. It has to do with their tax problems–keeping donations to the church tax-deductible. So there's no point in your arguing this point if it comes up.

Type up the description and have a dozen or more copies made (You may need them later, in case you don't make it with the first church you approach.)

Make the whole thing clean and professional. The decision makers, with whom you'll be dealing, usually like things that way.

Take six copies of your description with you when you go to see the minister because:

1. It will simplify your communications with him.
2. He will want to present the description to his board of directors. They're the people who will make the final decision on whether or not to rent space to you.[6]

**Size**–Most government (state and federal) and private agencies recomment 35 to 50 sq. ft. per child for floor space. In experience, you would find this rather cramped; although your staff and program are as important as space. Poor child care can be found in the most luxurious of centers, while close, warm children-oriented care can be found in the most makeshift of buildings. About 25 to 30 children is best for non-profit and cooperative models, but it will depend on your space.

**Safety**–Check your state code for fire and building regulations. Most of the safety, health, and space requirements can be readily met if you find a place that was planned for pre-school or school use. Churches usually have Sunday school programs and very little pre-school activity the rest of the week. Often, you can obtain buildings rent-free or for a very low price, if the institution is moved enough–by its own humanitarianism or by your militancy.

**Equipment**–Again, if you locate in a house, a church, or a community center, you will find the necessary toilet and washing facilities and kitchen fixtures. Then you need to consider:

–– Child-size furniture. You can build much of your own if second-hand or donated furniture is not available. You need tables and chairs that fit the children, high chairs for infants, cribs and cots for naps. Coat racks for children, open shelves to make toys easily available, and toy kitchen equipment can be built or bought inexpensively. Check the bibliography for references.

-- Safe and long-lasting toys. Of course any equipment with sharp points, protruding nails, toxic paint or fragile construction should be avoided. Children won't want to take care of toys that are broken or are constantly coming apart. Blocks, wooden boxes, beads, some "Playskool" equipment, simple shapes, tinker toys, old tires, old clocks, toddler and crib toys are all equipment you will want to consider.

-- Outdoor equipment. Trikes, bikes, swings, jungle gyms, sand boxes, and tire domes can be easily obtained or built. Old cars are lots of fun. If you have a very limited supply of money, go to the Kiwanis Club, Lions or one of the other local outfits to provide your group with some outdoor equipment. Since you are working with groups of children, you should encourage cooperative kinds of play. So think of equipment that will help children to work together. For example, if you are strapped for money, a tire dome will allow several children to play on it and costs less than a swing, which only one child could use.

-- Arts and crafts material. Always be sure to have plenty of paints, clay, brushes, collage material, crayons, cardboard and so forth on hand. Most art activities should be supervised and the material kept in a special cabinet accessible to older children.

If you can obtain a place that reasonably fits your state's health and fire regulations and you are incorporated as a non-profit organization, you are ready to approach the staffing problem.

**Staff**—Your group will have to work out what kind of center you want and this will largely determine who and how you get people to work. For example, if you are a cooperative, most of your staff will be parents and volunteers. If you are not planning a co-op, you will have to pick your staff from non-parents. Some sources[7] recommend that each center have a director, teachers, assistant teachers, an educational supervisor, a staff physician, a nurse, a social worker, a psychiatrist, a psychologist, kitchen and maintenance staff, auxiliary staff, and volunteers. A center staffed with this list would cost a fortune, not to mention that it would inevitably be preparing the children for the broad grey plains of middle America. Even if you are not going to be a co-op, you should consider other sources for staff that will cost you very little.

**How Many?**—It usually is suggested that there should be one adult for every ten children, fifteen at the most. Nearly all co-ops try for one adult for every four or five children. You will probably find a director and a cook necessary. Most parents will not have time to do either job. You do not need a separate doctor and nurse for your center, but know where the nearest clinic or emergency room is. You also can arrange for regular visits by a nurse through a community health program. Some people who are particularly good at organizing arts and crafts for children might work part-time.

**Where to Find Staff?**—Before you begin, you should put a brief notice in your local newspapers asking for volunteers. Contact women's and gay groups. Usually you can find a few professionally-trained people who will volunteer to assist your program several hours a week. (See suggestions on staffing under **What Will It Cost?**)

Let the director of Alternative Service for Conscientious Objectors know about your center. Some CO's might be very interested in working with children. In any case, one or two parents should do scheduling, setting up times when parents and volunteers want to work. Many co-ops have 3 to 5-hour shifts. If you have no director, it will be up to you what hours you want to be open, depending on your need. For continuity and the wellbeing of the children, it is recommended that someone be there every day for a few hours. As mentioned before, he or she does not need to be professionally trained. Children learn in a variety of ways. Emphasizing sharing, cooperation and the idea of people of all ages working together free of racial and sexual stereotyping is more important than teaching a child the ABC's in order.

## What Kind of Program?

What you believe child care should be, what you see as important for early childhood education, will be reflected in your program. The parents and staff will have to decide before the center opens what kind of program you will have. For a good program that allows maximum freedom for the child along with educational experiences, you must consider cultural, educational, physical, health and creative aspects. All of these areas have to be integrated; you cannot, for example, discuss educational prospects apart from physical or cultural or creative prospects.

**Schedule**—All children benefit from some basic daily routine. Complete freedom and non-intervention can be oppressive. On the other hand, a rigid schedule, regulating activities from hour to hour, is good only if you regard order above all other priorities. Of course any sort of time schedule will vary from season to season and with respect to the ages of the children. In any day, you can expect at least a minimum of these activities.

— — arts and crafts, painting, coloring, music
— — vigorous physical exercise
— — sharing and working together with big and little people
— — health and cleanliness routines
— — meals and snacks
— — indoor play (blocks, playhouse, etc.)

Many co-ops have started with the avid desire for no schedule, but with all play areas open for the children to choose their own activities. A general kind of routine usually emerges, however. Of course, this is usually modified from day to day by the needs and desires of the children.

Elaborating on some of these schedule aspects, you should think about:

1. Frequent field trips. Children love to travel together—to zoos, lakes, parks, fire stations, Plan and prepare for these trips ahead of time. Arrange also to visit farms (if you are close to the country), or other day care centers.

2. Cultural activities. If your center is made up of mostly third-world people, you would want to consider frequent presentations of third-world cultural traditions. If your center is mostly white, you certainly will want to present third-world culture to combat racism. You can get films, theater groups, and arts and crafts projects to emphasize the cultures of oppressed peoples. Send away for the "Educator's Guide to Free Films," available from Educator's Progress Service, Inc., Randolph, Wis. 53956. The catalog costs $5, but the films are free. Whether you want to politicize on a child's level about the struggles of third-world and white people obviously will be up to your group. Two words of caution, however. Radical slogans without simple concrete creative play built upon them are as bad as teaching the national anthem to first-graders. On the other hand, you can take no neutral position with a child. If he or she sees Indians scalping poor, innocent white people on TV with no comment from you, he or she assumes this represents the truth. As one five year old said in the Ames Free Day Care Center, "Indians kill *real* people." This remark instigated a long program on the Native American cultures and present struggles. It will be up to you. Breaking down sex-role stereotyping is also of paramount importance. Again, how much and to what extent will be up to you. It is sad, however, to visit some child development labs and see boys actively discouraged from playing with dolls, girls being kept from the toy bulldozers, and so forth. In some of the more enlightened centers, you can see coordinators or teachers encouraging boys to be aggressive and rewarding girls for looking nice.

   In any case, every attempt should be made to provide non-sexist books for children that will help girls to develop a strong sense of self-concept. One source to check with is *Lollipop Power,* P.O. Box 1171, Chapel Hill, North Carolina 27514.

3. Play activities. Everyday a child should go home with a feeling of

> pride at having made something, or discovered something, or helped someone out. Play really should be supervised to some extent so children can learn not to break toys that others might want to use and can learn how to work together. Having an aquarium and small animals can help children learn responsibility for four-legged creatures. Projects that can include all of the children should be a regular feature. Everyone can help paint long murals on inexpensive butcher paper to decorate the center's walls. If you have room, in the spring, a small garden can be started outside. Also, depending on weather, you should plan on having children outside as much as possible. If your center does not have adequate outdoor equipment, plan on going to a local park or playground frequently.

**Meals and Snacks**—Every day care center that has applied for a license is eligible for the government-subsidized hot lunch program. Your center would receive agricultural surplus products for food preparation. There are certain restrictions and regulations governing the program, but if your center's kitchen can meet the specifications and you want to keep exact records of how many children ate at the center daily and what they ate, the program is worth it, for you are, in essence, getting a hot lunch for about ten cents a day for a child. Snacks and milk subsidy is possible if you are not on the hot lunch program. If you get a cook through WIN personal financing, he or she could shop for snacks and lunch preparation; otherwise, the duty should probably rotate among the parents. Since a good deal of a child's nutrition is going to be met at the center, well-balanced meals and healthy snacks should be foremost in people's minds. Instead of cookies and kool-aid twice a day, try raisins, carrots, celery and peanut butter, apples, orange slices, bananas and so forth. Be imaginative. For information on the hot lunch program and snack subsidy, contact your area family and social services office. (These might be under different titles in different states.)

### Who is Running the Show?

We begin with the assumption that parents will want to maintain ultimate control of a child care center, whether there is a full professional staff or not. With that in mind, you will have to decide on how the responsibility for running the center will be shared. First, you will have to hold regular meetings, so you must agree on how often. Many centers have monthly meetings; some co-ops feel it is necessary to require weekly get-togethers to hash over day-to-day problems. In any case, how much power parent-groups, staff and volunteers should have will be one of your first important questions to deal with. Also, very early in your operation, you will have to develop policies on admission and hiring of staff as well as some basic rules on the operation of the center. Once you have formulated basic rules and what you expect of staff, parents and volunteers, you should make copies, post them and distribute them to all staff and parents. Any change of policy should also be made available immediately. Separate tasks for parents and staff will be:

**Scheduling**—One or two people should take responsibility for setting up the work schedule for parents, parent-substitutes, staff and volunteers. Here again, you will have to decide whether parents will be required to work a certain number of hours per week, or find a substitute, and what kind of shifts you want. Some centers have found overlapping four-hour shifts workable, while others have found five-hour shifts (half-days) to work better. It will depend somewhat on parents' work-hours at their regular jobs and whether or not you have a director.

**Recruiting of Staff**—Besides parents, your center will depend upon volunteers and some paid staff. A sub-committee of parents might work on finding volunteers from any local student, women's or gay groups and any other political or humanitarian organizations, as mentioned before. (The director of the Ames Free Day Care Center was a local spokesperson for gay liberation, a former graduate student who agreed to work nine months 10 a.m. to 3 p.m. everyday for $10 per month per parent-group.) You should always talk to any new volunteers and show them your center. Make sure they like to play with children and share your perspective on child care outside the home.

**Financing**—A sub-group should always be at work scrounging up funds. (See section **What About Getting Money?** for suggestions.) It must be decided who is to pay what for regular expenses such as toy and building repair (try to do as much as possible yourselves), phone bill, cost of snacks (rotate snacks schedule so that every parent-group shares in this cost until you get on a federal program), new equipment and so forth. Also, one person will have to manage the paper work of the hot lunch program and another person the matching funds under Title IV-A or any similar program you are involved with. In any of these federal programs, it sometimes appears that there will be an interminable amount of paper work. One or two people, however, being persistent, can handle this paper work in one or two nights a month—not too much in exchange for the funding you can get.

**Admitting New Children**—From the beginning, you must set up the ages you think your center can and should handle, although children of all ages can benefit from care outside the home. The number of children you can admit will, of course, be limited by your space, equipment and staff. Deciding *who* is your next problem. Usually, it is best to accept children on a first-come, first-serve basis, operating on the principle that any parent-group checking on child care *needs* child care outside the home. Children should be admitted on the assumption that they will be attending most of the time, since they will benefit by being there and developing solidarity with the other children.

Those are a few of the policies your group will have to develop. Nothing much has been said about handling sexism, racism and elitism among the staff and children, but each group will have to deal with such questions as they arise. Just one recommendation: You will have to deal with these subjects openly with parents and children. Although such "politicization" of children may be considered dangerous, it is constructive in helping children to critically evaluate sexual and cultural stereotypes. Children should have as much freedom as possible to develop; this means countering society's oppressive, dominant views with positive ones of our own.

**Bookkeeping**—Since you are going to be paying salaries and bills, receiving donations or grants and food, you'll need to keep records. "Dome Simplified Weekly Bookkeeping Record" and "Dome Payroll Book, 1-25 Employees" are excellent guides. Write to Dome Publishing, Inc., Dome Building, Providence, R.I. 02903.

Organizing day care centers helps solve part of the need for child care, but a much broader approach is being used by groups in several large cities. Uniting women in a continuing struggle for quality child care, groups in Boston and Chicago have been involved in bringing large cross-sections of the community together to push for wider control of governmental child care policies. The Neighborhood Involvement for Childhood Education (NICE) is the Boston project mentioned earlier. Another is the Chicago Action Committee for Decent Child Care (ACDC),[8] written about in an article for *Women: A Journal of Liberation.* The following are excerpts from the article:

> In the past few years our movement has expanded rapidly, involving thousands of women across the country in the search for understanding women's oppression. At this point we feel it important to move on this understanding, with organization that can unite us in order to actively fight for ways to immediately improve our lives and build a base of power for women.
>
> We have learned women are oppressed in a variety of ways; but we are just beginning to learn the meaning of our own self-interest and how to act on it. For our movement to continue to expand, we must develop the ability to challenge existing power relations and win power for ourselves. This can only be accomplished if we can relate to all women's needs, beyond identifying the sources of our oppression and understanding them (as in consciousness raising alone). Our task must be to organize for power.
>
> Organizing for power means that we must create those structures which will enable us to move forward in developing our abilities and skills and in bringing about change.

Organizing for power also means that we must have a conception of the kinds of reforms we are fighting for. In many places the word reform is associated with cooptation–if you win, you must be doing something wrong, or what you are fighting for must be "counterrevolutionary." A few people in our society have power. Our task is to build a movement which can change that fact. This means organizing around specific demands which can be won, and which in the process will alter power relationships, thus building our power base as women. Winning in one situation will give us the ability to move beyond that victory to greater challenges and the accumulation of more power. We feel one of our movement's worst enemies is its lack of visible successes–to give us faith that we can win.

**Determining Possible Reforms**

The basic question is determining what issues are in our self-interest as women and then determining what kinds of reforms are possible. On the basis of self-interest, alliances can be built between groups of women.

With these underlying assumptions the Action Committee for Decent Child Care was begun.

When we first began to organize, it was clear that most women in Chicago did not realize that there was a crisis in child care services in the city. Thus our initial work involved publicizing the crisis. We organized a demonstration of women and children at the City Council when the 1971 budget was passed to publicize the fact that no allocation for child care services was being made. We then held a series of community meetings in various areas of the city, both as an educational program and as a way to find women who might be interested in working with us.

In July, a delegation of 60 women and children and the press met with Wade Parker of the city's Department of Human Resources. Visibly shaken by the angry group, he agreed to three of our five demands–to undertake a review of licensing codes and procedures, to end closed door meetings of the department and to attend a public hearing on problems with licensing in the city.

Following up on the demands, ACDC prepared for the public hearing scheduled for the end of August. The plan was that day care center operators would present their grievances to the city and demand action. Women who had attempted to open centers would also discuss their problems of harassment from the city of Chicago due to its arbitrary licensing policies.

On August 6th, Mayor [James] Daley appointed Mrs. Murrell Syler as Director of Child Care Services, giving the appearance, without substance, that the control of day care operations had been shifted. Syler then agreed to attend the meeting. By the next week, both Parker and Syler tried to back out on their commitment. Additional pressure from women (calls from center operators all over the city–both black and white–and a delegation going to see Mrs. Syler) and from the press convinced them to attend.

Through the efforts of a carefully developed citywide network, over 200 people attended the public hearing. The testimony about the city's codes and procedures and the specific questions raised about the city's plans, broke the wall of silence on the issue. Press coverage was extensive and for the next several weeks, day care was in the news with charges and countercharges by city departments. At the public hearing, ACDC presented its analysis of the licensing code and procedures, with specific recommendations for change.

## Licensing Codes Reviewed

As a result of the meeting, a complete review of licensing codes is underway. A city committee was to demand a timetable for implementing the recommendations.

In September, ACDC conducted a citizen's investigation of a center which the city was threatening to close down because it did not have a fire alarm (even though it was a modern, brick building with steel structures). The press coverage proved significant enough pressure to force the city to back down. In addition, demands were made to local politicians that they support legislation to provide funds for child care facilities. ACDC also organized demonstrations to provide pressure for our demands.

ACDC is a citywide organization, with representatives to a steering committee from six local communities and one person representing women at-large. We have a chairwoman and one staff person. Our goal is to organize local chapters in various Chicago communities, but this depends on our ability to raise funds for the organization. We meet weekly to discuss strategy and evaluate our work.

What has ACDC won? At this point, we have succeeded in forcing the city to review its arbitrary licensing codes and many changes are highly likely (assuming our continued pressure). Two centers have been allowed to remain open due to our efforts. The day care issue is now a public one and the city has been affected by our pressure (calling us and demanding that we get off their backs, and telling us, "you don't bite the hand that feeds you"). And, perhaps most importantly, ACDC is established as an organization committed to fighting for free, client-controlled, 24-hour child care in Chicago.

The struggle has just begun and we feel the pressure of developing quickly enough so that we will have enough power to prevent the city from taking control of day care as part of its patronage system. We also anticipate the development of forced child care for women on welfare and we must be strong enough to prevent that from happening. Further, as money becomes available, we must be in a position to ensure that community groups can establish the kind of services they need and keep them under their own control.

Significantly, as women, we are developing skills to be able to confront the city and to be able to use the press to our advantage. All of us have developed skills and confidence during the past year. As a women's organization, we feel that ACDC is a viable model for organizing for power. With all of the frustration, disappointments, difficulties, and hard work, we are slowly learning and helping each other to learn the meaning of power and how to fight for it.

**How Do We Get Power?**

Focusing specifically on political or direct action, how do we incorporate this approach into our movement? We believe that many women would join us if we had the structures for them to become involved in struggles on concrete issues. We need a perspective which will allow us to undertake both short and long term struggles and campaigns with a focus on winning. Following is a partial summary of the program criteria we feel must be considered in order to encourage direct action. A good program:

1. has potential to broaden and relate to many aspects of women's lives;
2. can unite women and build a mass organization because it focuses on women's needs;
3. moves women into direct action and groups where they can evaluate their efforts (e.g., ongoing organizations);
4. converts a vision into specific activity;
5. can be broken into parts and fought as reforms that can really be won;
6. can identify specifically what institutions and who within those institutions exercise control over the issues and have the power to make reforms in response to pressure;
7. can identify the felt needs that would move women to fight on the issue;
8. provides step-by-step activity for involvement;
9. identifies what a victory would be;
10. helps women to gain self-respect.

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## FOOTNOTES

[1] Rosalyn Fraad Baxandall, "Day Care: Its Past and Future," (a paper available through the Day Care and Child Development Resource Center, 1878 Massachusetts Ave., Cambridge, MA), p. 4.

[2] "Statement of Principles," Day Care and Child Development Council of America, Inc., p. 1. Available from the Council free. Write 1426 H St., N.W., Washington, D.C. 20005.

[3] Statement of Mrs. Mary Rowe, Child Care Economic Consultant, Art Associates, Inc. *Hearings Before the Committee on Finance, United States Senate, Ninety-second Congress on S.2003, Child Care Provisions of H.R.1, and Title VI of Printed Amendment 318 to H.R.1* (September, 1971), p. 245.

[4] "Boyd and Child Care," editorial, *Daily Iowan*, Tuesday, November 17, 1970, p. 3.

[5] There is good reason to suspect that nothing more would have been granted without the dramatic pressure of a sit-in. At Iowa State University in Ames, an almost similar situation arose. A free co-op day care center was started in a Presbyterian Church, and parents appealed to the university for funds. Steering clear of any militancy, the parents allowed the university to appoint the same kind of big-wig committee to study the need for child care in the community. They petitioned the government of the student body with no success and finally offered one full-time staff person to coordinate the Child Development majors who worked in the co-op. The University did fund one center, for students only, in the married student community housing project. I.S.U. administrators feel they've gone a long way to solve the day care needs of the community with its one center providing child care for 18 children over three years of age.

[6] Harold Bennett, *No More Public Schools* (New York: Random House, 1972), pp. 72-73.

[7] See Dorothy Beers Boguslowski, *Guide for Establishing and Operating Day Care Centers for Young Children* (New York, 1970), for similar suggestions. Her Appendix includes a detailed suggested list for furniture, equipment and supplies.

[8] Chicago Action Committee for Decent Child Care (unpublished position paper).

## RESOURCES: CHILD CARE

### Federal Agencies

Office of Economic Opportunity
1200 - 19th Street, N.W.
Washington, D.C.

U.S. Department of Health, Education, and Welfare
Washington, D.C. 20201

Children's Bureau, Office of Child Development
400 - 6th Street, S.W.
Washington, D.C. 20201

Head Start, Office of Child Development

Office of Education
400 Maryland Avenue, S.W.
Washington, D.C. 22202

### Helpful Organizations

Action Committee for Decent Child Care
817 W. George
Chicago, IL 60657

Ain't I a Woman?
W.L.F.
301 Jefferson Bldg.
Iowa City, IA 52240

Child Welfare League of America, Inc.
44 East 23rd Street
New York, NY 10010

Day Care and Child Development Council of America, Inc.
1426 H Street, N.W.
Washington, D.C. 20005
(Write for their complete list of organizing manuals,
play books, and articles.)

National Committee on the Education of Migrant Children
145 East 32nd Street
New York, NY 10016

National Organization for Women
5 South Wabash
Suite 1615
Chicago, IL 60603

New Feminist Bookstore
1525 East 53rd Street
Chicago, IL 60615

Parent Cooperative Preschools International
5690 Cobb Crest Road
Rochester, MI 48063

No More Fun and Games
371 Somerville Avenue
Somerville, MA 02143

Play Schools Association
120 West 57th Street
New York, NY 10019

W.E.A.L.: Women's Equity Action League
22414 Fairlawn Circle
Fairview Park, OH 44126

*Women: A Journal of Liberation*
3028 Greenmount Avenue
Baltimore, MD 21218

Women's Free Press
c/o K.N.O.W., Inc.
P.O. Box 10197
Pittsburgh, PA 15232

# WOMEN AND THE LAW

Barbara Yates

# WOMEN AND THE LAW

Perhaps the method suggested most often to combat laws and courts that oppress women, especially low-income and minority women, is to get more women into law schools. Unfortunately, more women lawyers does not mean more women fighting for women in the halls of justice. Rather, many women in the *profession* of law opt for those high-paying, status jobs with law firms—or at least some respectable organization. The whole approach to the question of getting women into the legal profession avoids the important problems of taking power into our own hands through, by, around, and outside the law. Since so much energy and money has been spent on trying to socialize women into their proper role in the legal professions, our emphasis in this part of the book will be on deprofessionialization and self-help.

First, we have included a summary of legislation that addresses itself to discrimination against women in the work force, information on how to file a suit, and other useful information. Following this summary is a discussion of a People's Law School concept and finally, an example of a legal self-help group—its philosophy, its functioning, its effects.

Dr. Bernice Sandler's "Project on the Status and Education of Women" for the Association of American Colleges has summarized information on background and what use can be made of Executive Order 11246, Title VII of the Civil Rights Act and more recent legislation.[1] The following text and charts are reprinted from the project's documents.

## TITLE VII OF THE CIVIL RIGHTS ACT AND SEX DISCRIMINATION IN EDUCATIONAL INSTITUTIONS

BACKGROUND: Title VII of the Civil Rights Act of 1964, which forbids discrimination in employment on the grounds of race, color, religion, sex or national origin, was amended in March 1972 to include educational institutions.[a]

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[a] State employment and/or human relations laws may also apply to educational institutions. The Equal Rights Amendment to the U. S. Constitution, passed by the Congress and now in the process of ratification would, when ratified, forbid discrimination in publicly supported schools at all levels, including students and faculty.

TO WHOM DOES TITLE VII APPLY? *All* educational institutions, both *public* and *private,* with 15 or more employees. All employees are covered, including those subject to State and local civil service laws. Institutions[b] are covered regardless of whether or not they have any Federal funds. Title VII also covers labor organizations (collective bargaining unions) and employment services.

WHAT DOES THE LAW REQUIRE? Title VII makes it unlawful to discriminate in:

---recruitment, hiring, firing, layoff, recall
---wages, terms, conditions or privileges of employment
---classifying, assigning or promoting employees[c]
---extending or assigning use of facilities
---training, retraining or apprenticeships
---opportunities for promotion
---sick leave time and pay
---vacation time and pay
---overtime work and pay
---medical, hospital, life and accident insurance coverage
---optional and compulsory retirement age privileges
---receiving applications or classifying or referring for employment
---printing, publishing or circulating advertisements relating to employment that express specifications or preferences based on sex.

RELIGIOUS EXEMPTION: Religious educational institutions are exempted with respect to the employment of individuals of a particular *religion* to perform work for that institution. It does *not* exempt such institutions from the prohibition of discrimination based on sex (or race, color and national origin).

WHO ENFORCES TITLE VII? The Equal Employment Opportunity Commission receives and investigates charges of discrimination. In certain states that have fair employment laws that provide sanctions similar to those in Title VII, EEOC automatically defers investigation of charges to the state agency for 60 days. (If deferred, at the end of the 60-day period, EEOC will handle the charges unless the state is actively involved in the case. EEOC *may* grant an additional 300 days to the state for further handling of the case. About 85 per cent of deferred cases return to EEOC for processing after deferral.)

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[b] Unless otherwise specified, "institution" includes public and private colleges and universities, elementary and secondary schools, and preschools.

[c] A bona fide seniority or merit system is permitted under all legislation, provided the system is not discriminatory on the basis of sex or any other prohibited ground.

POWER OF ENFORCEMENT: After investigation, the Commission attempts conciliation. Should this fail, the Commission has the power to bring civil action against a private institution in the appropriate Federal District Court. Due to an ambiguity in the law as it relates to public institutions, it is not yet clear whether the Commission or the Attorney General will file suit in all situations which involve public institutions. Aggrieved individuals may initiate suits against institutions when the Commission or the Attorney General has not done so (see next section).

PRIVATE RIGHT TO SUE IS GUARANTEED: If the aggrieved party is not satisfied with EEOC's actions, the aggrieved party is guaranteed the right to sue privately in court for damages.[d] (Under the Executive Order, legal opinion differs as to whether or not there is a private right to sue; under Title VII, a private right to sue is guaranteed in the law.)

WHAT THE COURTS CAN DO: After a preliminary investigation, the Commission or the Attorney General may ask the Court for a temporary restraining order or other order granting preliminary or temporary relief.

If conciliation is not effective, EEOC or the Attorney General can bring civil suit against the employer, labor union or employment agency. When a case in court is decided in favor of the aggrieved individual, the court may order all or any of the following:

1. *Enjoin the respondent* from engaging in such unlawful behavior.
2. *Order affirmative action* as may be appropriate and "other equitable relief."
3. *Order reinstatement or hiring of employees* with or without back pay.
4. *Award back pay* (but no more than up to two years prior to the filing of a charge with the Commission).[e] Interim earnings are subtracted from back pay awards.

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[d] There are no restrictions against making a complaint under more than one antidiscrimination law at the same time.

[e] This time limit refers to the time between an alleged discriminatory act and when a complaint is made. In general, however, the time limit is interpreted liberally when a continuing practice of discrimination is being challenged, rather than a single, isolated discriminatory act.

WHO CAN FILE A COMPLAINT: Charges can be filed by or on behalf of any person claiming to be aggrieved, or by a member of the Commission.

"PATTERN OR PRACTICE" COMPLAINTS: Individuals claiming to be aggrieved or a member of the Commission can file class complaints charging a pattern or practice of discrimination.

TIME LIMITS FOR FILING A COMPLAINT: Charges must be filed within 180 days after the alleged unlawful act has occurred.[f]

NOTIFICATION OF CHARGES: A copy of charges filed must be given to the party charged with discrimination within ten days of filing.

RECORD KEEPING: All institutions must keep and preserve records relevant to the determination of whether unlawful practices have been or are being committed. The Commission is empowered to request such information.

CONFIDENTIALITY REQUIREMENT: Charges are *not* made public by the Commission, nor can any of its efforts during the conciliation process be made public by the Commission and its employees. However, should court proceedings be initiated by the Commission or the Attorney General, records may be made public. The aggrieved party and the respondent are not bound by the confidentiality requirement.

PREVENTION OF HARRASSMENT: Employers are forbidden to discriminate against any employee or applicant because he or she has opposed any unlawful employment practices, or because he or she has filed charges, testified or participated in any action under Title VII.

WHAT IS A BONA FIDE OCCUPATIONAL QUALIFICATION (BFOQ): In some limited instances, a job may be limited to one sex provided the employer can prove that sex is a "bona fide occupational qualification." The Commission and the courts have construed BFOQ's very narrowly. Jobs may be restricted to members of one sex:

- ---for reasons of authenticity, such as actress or model
- ---because of community standards of morality such as lingeree sales clerk or restroom attendant
- ---in jobs in the entertainment industry where sex appeal is an essential qualification.

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[f] Back pay cannot be awarded prior to the effective date of the legislation.

Jobs may *not* be restricted on the basis of sex for any of the following reasons:

- ---assumptions related to the applicant's sex, e.g. some or most members are unable or unwilling to do the job
- ---preference of co-workers, employers, clients or customers
- ---the job has traditionally been restricted to members of the opposite sex
- ---the job involves heavy physical labor, manual dexterity, late or night hours, work in isolated locations or unpleasant surroundings
- ---physical facilities are not available for both sexes
- ---the job requires personal characteristics not exclusive to either sex such as tact, charm, or aggressiveness.

RELATIONSHIP TO THE EXECUTIVE ORDER: Executive Order 11246 as amended (which covers institutions with Federal contracts) is still in effect. In institutions with federal contracts, parties can file charges, simultaneously under the Executive Order and under Title VII. The Office of Federal Contract Compliance (Department of Labor)*, which has policy jurisdiction over the Executive Order, and the Equal Employment Opportunity Commission, which has jurisdiction over Title VII, coordinate in such instances.

ADDITIONAL INFORMATION: EEOC Sex Discrimination Guidelines as well as other information can be obtained by writing: Equal Employment Opportunity Commission, 1800 G Street, N.W., Washington, D. C. 20506.

## SUMMARY OF EXECUTIVE ORDER 11246

(As amended by Executive Order 11375. How these Orders relate to sex discrimination in universities and colleges that have federal contracts.)

BACKGROUND: Executive Order 11246, issued by President Johnson in 1965, forbids discrimination by all federal contractors on the basis of race, color, religion or national origin. Executive Order 11375, effective October 13, 1968, amended this to include discrimination based on sex.

TO WHOM DOES THE EXECUTIVE ORDER APPLY? *All* federal contractors and subcontractors.* There is no exclusion for educational institutions.

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*The Executive Order also applies to federal employment and federally assisted construction.

It applies, therefore, to all universities and colleges having federal contracts. It does not cover grants, but applies to contracts. If a university or college has *one* contract with *one* department, the entire institution is subject to the provisions of the Executive Order.

WHAT DOES THE EXECUTIVE ORDER REQUIRE? The Executive Order requires federal contractors to practice non-discrimination in all aspects of their employment activity. Contractors are required "to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their . . . sex. Such action will include but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; lay-off or termination; rates of pay or other forms of compensation; and selection of training, including apprenticeship." Women's groups are claiming that admission to undergraduate and graduate programs is analogous to the apprenticeship programs of industry; by limiting admission, universities and colleges control the number of women in their own labor force. At this writing (October 1971) this interpretation has not been accepted; HEW is currently deciding whether or not the Order covers graduate admissions only in those instances where admission is related to employment, such as graduate assistants.

Contractors are required to take *affirmative action* wherever necessary to "remedy the effects of past discrimination" as well as counteracting discriminatory barriers to equal employment opportunity.

Contractors with 50 employees and a contract of $50,000 or more must develop for each of their facilities a written plan for affirmative action. The plan must include an analysis and evaluation of employment and opportunities for the use of women and minority employees, as well as specific numerical goals and timetables for correcting existing discrimination.

Contractors are required to scrutinize tests and other screening procedures, in accordance with detailed regulations issued under the Executive Order, and to make all changes necessary to assure that they are non-discriminatory.

In all advertisements for employees, contractors must state that there will be no discrimination in selection.

WHO ENFORCES THE EXECUTIVE ORDER? The Office of Federal Contract Compliance (OFCC) in the Department of Labor has responsibility for policy guidance and it oversees federal agency enforcement programs. The Department of Health, Education and Welfare (HEW) has been designated by OFCC as the Compliance Agency responsible for enforcement of the Executive Order for all contracts with universities and colleges. Therefore, the investigations are conducted by the Office for Civil Rights of HEW.

COMPLIANCE REVIEWS: Federal agencies should not award any contract for a million dollars or more unless prior to award the Compliance Agency (in this case, HEW) finds that the prospective contractor is in compliance with the Executive Order, both as to non-discrimination and as to the adequacy of its affirmative action program. The Compliance Agency is supposed to run a thorough compliance review which includes an on-site visit and interviews with some employees. Where discrimination is found in such a review, specific written commitment for its correction, giving the dates and details of action to be taken, is required.

POWER OF ENFORCEMENT: While no contract has ever been cancelled as such, there have been delays in awarding contracts as plans for affirmative action and various changes are worked out. The threat of contract loss, however, is a potent force for compliance. Institutions and organizations without any current contracts can be declared ineligible for future contracts.

WHO CAN FILE A COMPLAINT: Any individual or group can file by describing the discrimination. There is no official form for pattern complaints; individual complainants can use the prescribed form or file by writing a letter. Complaints can be filed with the Secretary of Labor or the Secretary of HEW in Washington. Regardless of where the complaint has been filed, HEW does the investigations. Complainants do not need to know what contract(s) an institution has or is negotiating for in order to file.

THE COMPLAINT: There are two kinds of complaints: individual and pattern. Individual complaints are those of particular individuals claiming that they have been aggrieved. Pattern complaints (which generally receive a lower priority in scheduling) are those that describe a *pattern* of discrimination.

Women have used statistics in various ways to substantiate pattern complaints. In some cases, they have taken a few selected departments (such as English, Speech, Art, Psychology–fields in which women earn a substantial number and percentage of doctorates) and gathered the number and percentage of women at various ranks. In many cases, they have described either an absence of women or a clumping together of women at the lower levels of the academic hierarchy, and a progressive evaporation of women as rank increases. In some instances, they have counted the number of women who are in high administrative posts in the institution as a whole, or pointed out that the institution had not developed its required affirmative action plan for women. Very little is needed in order to file; the amount of data presented by women has ranged from a few paragraphs to substantial lengthy reports.

Regardless of the specific data used for filing, the complainants can ask for a full investigation of admission, financial and scholarship aid, placement of graduates, hiring and promotion of all employees and faculty, and salary differentials. It is up to the Office for Civil Rights of HEW to establish that there is no discrimination before it awards a contract, with the institution submitting data indicating it does not discriminate.

NOTE: The Executive Order is not law, but a series of rules and regulations that contractors must follow if they want federal monies. The Executive Order has been used extensively with blue collar racial discrimination, particularly in the construction industry (The Philadelphia Plan, Plans for Progress, etc.).

The Office of Federal Contract Compliance has issued Sex Discrimination Guidelines. These Guidelines cover numerous areas of employment, including pensions and fringe benefits, maternity leave policies, recruitment and advertising policies, training programs, etc.

Revised Order No. 4, also issued by the OFCC, spells out how goals and timetables of affirmative action programs are to be worked out.

Check your college's student placement services. If they have separate male and female listings, this is a violation of the Executive Order, as well as violating Title VII of the Civil Rights Act.

GOVERNMENT DOCUMENTS: The following OFCC documents and guidelines relating to the Executive Order may be of interest:

Executive Order 11246, September 24, 1965

Executive Order 11375, October 13, 1967

Obligations of Contractors and Subcontractors, *Federal Register,* Vol. 33, No. 104, May 28, 1968

Order No. 4, Affirmative Action Programs, *Federal Register,* Vol. 35, No. 25, February 5, 1970

Sex Discrimination Guidelines, *Federal Register,* Vol. 35, No. 111, June 9, 1970

Memorandum: Questions and Answers Concerning Sex Discrimination Guidelines, from John L. Wilks, Director, OFCC, to Heads of Agencies, November 12, 1970

Revised Order No. 4, Affirmative Action Programs, *Federal Register,* Vol. 36, No. 234, December 4, 1971

These documents can be obtained free from the Office of Federal Contract Compliance, Department of Labor, Washington, D. C. 20210, or by writing your Senator or Representative.

## FEDERAL LAWS AND REGULATIONS CONCERNING SEX DISCRIMINATION IN EDUCATIONAL INSTITUTIONS

October 1972

(Footnotes for Chart are on Pages 204 and 205.)

| | **EXECUTIVE ORDER 11246 as amended by 11375** | **TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 as amended by the Equal Employment Opportunity Act of 1972** |
|---|---|---|
| **EFFECTIVE DATE** | October 13, 1968 | March 24, 1972 (July 1965 for non-professional workers.) (Institutions with 15-24 employees are not covered until March 24, 1973.) |
| **WHICH INSTITUTIONS ARE COVERED?** | All institutions with federal contracts of over $10,000.[1] | All institutions with 15 or more employees |
| **WHAT IS PROHIBITED?** | Discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training, and other conditions of employment) on the basis of race, color, religion, national origin or sex. Covers all employees. | Discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training and other conditions of employment) on the basis of race, color, religion, national origin or sex. Covers all employees. |

| | | |
|---|---|---|
| **EQUAL PAY ACT OF 1963 as amended by the Education Amendments of 1972 (Higher Education Act)** | **TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 (Higher Education Act)[7]** | **TITLE VII (SECTION 799A) & TITLE VIII (SECTION 845) OF THE PUBLIC HEALTH SERVICE ACT as amended by the Comprehensive Health Manpower Act & the Nurse Training Amendments Act of 1971[12]** |
| July 1, 1972 (June 1964) for non-professional workers.) | July 1, 1972 (Admissions provisions effective July 1, 1973.) | November 18, 1971 |
| All institutions. | All institutions receiving federal monies by way of a grant, loan, or contract (other than a contract of insurance or guaranty.) | All institutions receiving or benefitting from a grant, loan guarantee, or interest subsidy to health personnel training programs or receiving a contract under Title VII or VIII of the Public Health Service Act.[13] |
| Discrimination in salaries (including almost all fringe benefits) on the basis of sex. Covers all employees. | Discrimination against students or others on the basis of sex.[9] | Discrimination in admission of students on the basis of sex and against some employees.[14] |

| | EXECUTIVE ORDER 11375 | TITLE VII C.R.A. |
|---|---|---|
| EXEMPTIONS FROM COVERAGE | None. | Religious institutions are exempt with respect to the employment of individuals of a particular religion or religious order (including those limited to one sex) to perform work for that institution. (Such institutions are not exempt from the prohibition of discrimination based on sex, color and national origin.) |
| WHO ENFORCES THE PROVISIONS? | Office of Federal Contract Compliance (OFCC) of the Department of Labor has policy responsibility and oversees federal agency enforcement programs. OFCC has designated HEW as the Compliance Agency responsible for enforcing the Executive Order for all contracts with educational institutions. HEW's Office for Civil Rights (Division of Higher Education) conducts the reviews and investigations. | Equal Employment Opportunity Commission (EEOC).[3] |
| HOW IS A COMPLAINT MADE? | By letter to OFCC or Secretary of HEW. | By a sworn complaint form, obtainable from EEOC. |
| CAN COMPLAINTS OF A PATTERN OF DISCRIMINATION BE MADE AS WELL AS INDIVIDUAL COMPLAINTS? | Yes. However, individual complaints are referred to EEOC. | Yes. |

| EQUAL PAY ACT | TITLE IX E.A. | TITLES VII & VIII P.H.S. |
|---|---|---|
| None. | Religious institutions are exempt if the application of the anti-discrimination provisions are not consistent with the religious tenets of such organizations. Military schools are exempt if their primary purpose is to train individuals for the military services of the U.S. or the merchant marine. Discrimination in admission is prohibited only in vocational institutions (including vocational high schools), graduate and professional institutions, and public undergraduate coeducational institutions. | None. |
| Wage and Hour Division of the Employment Standards Administration of the Department of Labor. | Federal departments and agencies which are empowered to extend financial aid to educational programs and activities. HEW's Office for Civil Rights (Division of Higher Education)is expected to have primary enforcement powers to conduct the reviews and investigations.[11] | HEW's Office for Civil Rights (Division of Higher Education) conducts the reviews and investigations. |
| By letter, telephone call, or in person to the nearest Wage & Hour Division office. | Procedure not yet specified. A letter to Secretary of HEW is acceptable. | Procedure not yet specified. A letter to Secretary of HEW is acceptable |
| Yes. | Yes. | Yes. |

|  | EXECUTIVE ORDER 11375 | TITLE VII C.R.A. |
|---|---|---|
| WHO CAN MAKE A COMPLAINT? | Individuals and/or organizations on own behalf or on behalf of aggrieved employee(s) or applicant(s). | Individuals and/or organizations on own behalf or on behalf of aggrieved employee(s) or applicant(s). Members of the Commission may also file charges. |
| TIME LIMIT FOR FILING COMPLAINTS | 180 days. | 180 days. |
| CAN INVESTIGATIONS BE MADE WITHOUT COMPLAINTS? | Yes. Government can conduct periodic reviews without a reported violation, as well as in response to complaints. Pre-award reviews are mandatory for contracts over $1,000,000. | No. Government can conduct investigations only if charges have been filed. |
| CAN THE ENTIRE INSTITUTION BE REVIEWED? | Yes. HEW may investigate part or all of an institution. | Yes. EEOC may investigate part or all of an establishment. |
| RECORD KEEPING REQUIREMENTS & GOVERNMENT ACCESS TO RECORDS | Institution must keep and preserve specified research relevant to the determination of whether violations have occurred. Government is empowered to review all relevant records. | Institution must keep and preserve specified records relevant to the determination of whether violations have occurred. Government is empowered to review all relevant records. |

| EQUAL PAY ACT | TITLE IX E.A. | TITLES VII & VIII P.H.S. |
|---|---|---|
| Individuals and/or organizations on own behalf or on behalf of aggrieved employee(s). | Individuals and/organizations on own behalf or on behalf of aggrieved party. | Individuals and/or organizations on own behalf or on behalf of aggrieved party. |
| No official limit, but recovery of back wages is limited by statute of limitations to 2 years for a non-willful violation and 3 years for a willful violation. | Procedure not yet determined. | Procedure not yet determined. |
| Yes. Government can conduct periodic reviews without a reported violation as well as in response to complaints. | Yes. Government can conduct periodic reviews without a reported violation, as well as in response to complaints. | Yes. Government can conduct periodic reviews without a reported violation, as well as in response to complaints. |
| Yes. Usually Wage-Hour reviews the entire establishment. | Yes. HEW may investigate those parts of an institution which receive federal assistance (as well as other parts of the institution related to the program, whether or not they receive direct federal assistance). If the institution receives general institutional aid, the entire institution may be reviewed. | Yes. HEW may investigate those parts of an institution which receive federal assistance under Titles VII and VIII (as well as other parts of the institution related to the program, whether or not they receive assistance under these titles). |
| Institution must keep and preserve specified records relevant to the determination of whether violations have occurred. Government is empowered to review all relevant records. | Institution must keep and preserve specified records relevant to the determination of whether violations have occurred. Government is empowered to review all relevant records. | Institution must keep and preserve specified records relevant to the determination of whether violations have occurred. Government is empowered to review all relevant records. |

|  | EXECUTIVE ORDER 11375 | TITLE VII C.R.A. |
|---|---|---|
| **ENFORCEMENT POWER & SANCTIONS** | Government may delay new contracts, revoke contracts, and debar institutions from eligibility for future contracts. | If attempts at conciliation fail, EEOC or the U.S. Attorney General may file suit.[4] Aggrieved individuals may also initiate suits. Court may enjoin respondent from engaging in unlawful behavior, order appropriate affirmative action, order reinstatement of employees, and award back pay. |
| **CAN BACK PAY BE AWARDED?** | Yes. HEW will seek back pay only for employees who were not previously protected by other laws allowing back pay. | Yes. For up to 2 years prior to filing charges with EEOC. |
| **AFFIRMATIVE ACTION REQUIREMENTS**<br>**(There are no restrictions against affirmative action which is nonpreferential.)** | Affirmative action plans (including numerical goals and timetables) are required of all contractors with contracts of $50,000 or more and 50 or more employees.[2] | Affirmative action is not required unless charges have been filed, in which case it may be included in conciliation agreement or be ordered by the court. |
| **COVERAGE OF LABOR ORGANIZATIONS** | Any agreement the contractor may have with a labor organization can not be in conflict with the contractor's affirmative action commitment. | Labor organizations are subject to the same requirements and sanctions as employers. |
| **IS HARASSMENT PROHIBITED?** | Institutions are prohibited from discharging or discriminating against any employee or applicant for employment because he/she has made a complaint, assisted with an investigation or instituted proceedings. | Institutions are prohibited from discharging or discriminating against any employee or applicant for employment because he/she has made a complaint, assisted with an investigation or instituted proceedings. |

| EQUAL PAY ACT | TITLE IX E.A. | TITLES VII & VIII P.H.S. |
|---|---|---|
| If voluntary compliance fails,[5] Secretary of Labor may file suit. Aggrieved individuals may initiate suits when Department of Labor has not done so. Court may enjoin respondent from engaging in unlawful behavior, and order salary raises, back pay and assess interest. | Government may delay new awards, revoke current awards, and debar institution from eligibility for future awards. Department of Justice may also bring suit at HEW's request. | Government may delay new awards, revoke current awards, and debar institution from eligibility for future awards. Department of Justice may also bring suit at HEW's request. |
| Yes. For up to 2 years for a non-willful violation and 3 years for a willful violation. | Probably, to the extent that employees are covered. | Probably, to the extent that employees are covered. |
| Affirmative action, other than salary increases and back pay, is not required. | Affirmative action may be required after discrimination is found. | Affirmative action may be required after discrimination is found. |
| Labor organizations are prohibited from causing or attempting to cause an employer to discriminate on the basis of sex. Complaints may be made and suits brought against these organizations. | Procedure not yet clear. Any agreement the institution may have with a labor organization can not be in conflict with the nondiscrimination provisions of the legislation. | Procedure not yet clear. Any agreement the institution may have with a labor organization can not be in conflict with the nondiscrimination provisions of the legislation. |
| Institutions are prohibited from discharging or discriminating against any employees because he/she has made a complaint, assisted with an investigation or instituted proceedings. | Institutions will be prohibited from discharging or discriminating against any participant or potential participant because he/she has made a complaint, assisted with an investigation or instituted proceedings. | Institutions will be prohibited from discharging or discriminating against any participant or potential participant because he/she has made a complaint, assisted with an investigation or instituted proceedings. |

| | EXECUTIVE ORDER 11375 | TITLE VII C.R.A. |
|---|---|---|
| NOTIFICATION OF COMPLAINTS | Notification of complaints has been erratic in the past. HEW is proposing notifying institutions of complaints within 10 days. HEW notifies institutions a few weeks prior to investigation. | EEOC notifies institutions of complaints within 10 days. |
| CONFIDENTIALITY OF NAMES | Individual complainant's name is usually given to the institution. Investigation findings are kept confidential by government, but can be revealed by the institution. Policy concerning government disclosure concerning investigations and complaints has not yet been issued. The aggrieved party and respondent are not bound by the confidentiality requirement. | Individual complainant's name is divulged when an investigation is made. Charges are not made public by EEOC, nor can any of its efforts during the conciliation process be made public by the Commission or its employees. If court action becomes necessary, the identity of the parties involved becomes necessary, the identity of the parties involved becomes a matter of public record. The aggrieved party and respondent are not bound by the confidentiality requirement. |
| FOR FURTHER INFORMATION CONTACT: | Division of Higher Education<br>Office for Civil Rights<br>Department of HEW<br>Washington, D.C. 20201<br>or<br>Office of Federal Contract Compliance<br>Employment Standards Administration<br>Department of Labor<br>Washington, D.C. 20210<br>or<br>Regional HEW or DOL Office | Equal Employment Opportunity Commission<br>1800 G St., N.W.<br>Washington, D.C. 20506<br>or<br>Regional EEOC Office |

| EQUAL PAY ACT | TITLE IX E.A. | TITLES VII & VIII P.H.S. |
|---|---|---|
| Complaint procedure is very informal. Employer under review may or may not know that a violation has been reported. | Procedure not yet determined. | Procedure not yet determined. |
| The identity of a complainant, as well as the employer (and union, if involved) is kept in strict confidence.[6] If court action becomes necessary, the identity of the parties involved becomes a matter of public record. The aggrieved party and respondent are not bound by the confidentiality requirement. | Identity of complainant is kept confidential if possible. If court action becomes necessary, the identity of the parties involved becomes a matter of public record. The aggrieved party and respondent are not bound by the confidentiality requirement. | Identity of complainant is kept confidential if possible. If court action becomes necessary, the identity of the parties involved becomes a matter of public record. The aggrieved party and respondent are not bound by the confidentiality requirement. |
| Wage and Hour Division<br>Employment Standards Administration<br>Department of Labor<br>Washington, D.C. 20210<br>or<br>Field, Area, or Regional Wage and Hour Office | Division of Higher Education<br>Office for Civil Rights<br>Department of HEW<br>Washington, D.C. 20201<br>or<br>Regional HEW Office | Division of Higher Education<br>Office for Civil Rights<br>Department of HEW<br>Washington, D.C. 20201<br>or<br>Regional HEW Office |

# FOOTNOTES FOR CHART

## EXECUTIVE ORDER 11246 as amended by 11375

[1] The definition of "contract" is very broad and is interpreted to cover all government contracts (even if nominally entitled "grants") which involve a benefit to the federal government.

[2] Although public institutions are not exempt from the affirmative action requirements, they need not have a *written* affirmative action plan. A proposed regulation (Federal Register, October 4, 1972) would delete this exemption for public institutions.

## TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 as amended by the Equal Employment Opportunity Act of 1972

[3] In certain states that have fair employment laws with prohibitions similar to those of Title VII, EEOC automatically defers investigation of charges to the state agency for 60 days. (At the end of this period, EEOC will handle the charges unless the state is actively pursuing the case. About 85 percent of deferred cases return to EEOC for processing after deferral.)

[4] Due to an ambiguity in the law as it relates to public institutions, it is not yet clear whether EEOC *or* the Attorney General will file suit in all situations which involve public institutions.

## EQUAL PAY ACT OF 1963 as amended by the Education Amendments of 1972 (Higher Education Act)

[5] Over 95 percent of all Equal Pay Act investigations are resolved through voluntary compliance.

[6] Unless court action is necessary, the name of the parties need not be revealed. The identity of a complainant or a person furnishing information is never revealed without that person's knowledge and consent.

## TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 (Higher Education Act)

[7] Final regulations and guidelines for Title IX of the Education Amendments of 1972 have not yet been published. This chart includes information which is explicitly stated in the law, as well as how the law is likely to be interpreted in light of other precedents and developments.

[8] The sex discrimination provision of Title IX is patterned after Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color and national origin in all federally assisted programs. By specific exemption, the prohibitions of Title VI do not cover employment practices (except where the primary objective of the Federal aid is to provide employment). However, there is no similar exemption for employment in Title IX.

[9] Title IX states that: "No person . . shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. . . ."

[10] The following are exempted from the *admissions* provision:

Private undergraduate institutions.
Elementary and secondary schools other than vocational schools.
Single-sex public undergraduate institutions. (If public single-sex undergraduate institutions decide to admit both sexes, they will have 7 years to admit female and male students on a nondiscriminatory basis, provided their plans are approved by the Commissioner of Education.)

Note 1. *These exemptions apply to admissions only.* Such institutions are still subject to all other anti-discrimination provisions of the Act.

Note 2. Single sex professional, graduate and vocational schools at all levels have until July 1979 to achieve nondiscriminatory admissions, provided their plans are approved by the Commissioner of Education.

[11] Under Title VI of the 1964 Civil Rights Act, which Title IX of the Education Amendments closely parallels, federal agencies which extend aid to educational institutions have delegated their enforcement powers to HEW. A similar delegation of enforcement power is expected under Title IX.

## TITLE VII & TITLE VIII OF THE PUBLIC HEALTH SERVICE ACT as amended by the Comprehensive Health Manpower Act & the Nurse Training Amendments Act of 1971

[12] Final regulations and guidelines for Titles VII and VIII of the Public Health Service Act have not yet been published. This chart includes information which is explicitly stated in the law, as well as how the law is likely to be interpreted in light of other precedents and developments.

[13] Schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, public health, allied public health personnel and nursing are specififically mentioned in Titles VII and VIII. Regulations issued June 1, 1972 by the Secretary of HEW specify that *all* entities applying for awards under Titles VII or VIII are subject to the nondiscrimination requirements of the act.

[14] HEW regulations state: "Nondiscrimination in admission to a training program includes nondiscrimination in all practices relating to applicants to and students in the program; nondiscrimination in the enjoyment of every right, privilege and opportunity secured by admission to the program; and nondiscrimination in all employment practices relating to employees working directly with applicants to or students in the program."

In the Midwest, legal self-help groups are mushrooming as women find that they can read and write their own petitions, eliminating the necessity of exorbitant legal fees. Self-help groups in smaller cities and towns concentrate on *pro se* divorce and referral services. Besides the legal services provided by "Rising Up Angry" lawyers and legal workers, there are a number of legal groups by, for, and of women. One such is the women's legal clinic at the Chicago Women's Liberation Union (CWLU) office.

The legal clinic can refer all women who have a legal case to a lawyer, and it considers what each woman can afford. Besides actual legal referral, the legal clinic has a commitment to demystifying the law–to making it comprehensible and showing women just exactly how it acts to keep us in our place.

Many of the women who come to the legal clinic want women lawyers because they have a healthy fear of male lawyers' attitudes or because they have already been treated badly by a male lawyer. They like being able to talk to women and receive personal support and realize that they can go the whole legal route working with women.

## Many Domestic Relations Problems

Many of the problems that the women who come through the clinic have are in the area of domestic relations. This includes the hassles with husbands or ex-husbands, women fighting for custody of their children against husbands, in-laws, or the state, and so forth. Although women in these cases are the ones complaining to the legal system for relief, they are also often the ones who get treated the worst by the legal system. This is because many judges and lawyers have the view that how a man treats his wife is his own business. Take the case of a woman being beaten by her husband. The law against assault and battery would seem to give the woman an avenue to justice. But what happens is that many men in the courtroom (including the judge and the woman's own lawyer) may be thinking, "I wonder what she did to provoke the poor guy?"

Another way this "A-man's-home-is-his-castle" attitude shows up is that requirements for wife and child support within an ongoing marriage are virtually non-existent in most states. The Citizen's Advisory Council on the Status of Women surveyed the situation and concluded: "A married woman living with her husband can get only what he chooses to give her. The legal obligation to support can generally be enforced only through an action for separation or divorce."[2] Ironically, the economic support that women are taught to believe is theirs in the institution of marriage can often be received only through the act of breaking up that institution (Illinois is one of the few states with a law that requires support of children and dependent spouses while the marriage continues. Nevertheless, it is a hard law to enforce because of the attitudes talked about previously).

Another myth is the fantastic divorce settlements read about in the newspapers. These are individual settlements made between very wealthy people. Statistics show that alimony for the vast majority of women is non-existent. In most cases it is not written into the agreement that accompanies the divorce. In others it becomes non-existent even if it has been part of the agreement, because men often stop payments after a few months. The Citizen's Advisory Council reports: "A survey of 575 domestic relations court judges (and other court-involved persons) . . . indicates that alimony is awarded in a very small percentage of cases [and] a California judge [states], 'In this county permanent alimony is given in less than 2% of all divorces'. . . . A Nevada judge [comments that] 'A healthy young woman should not be permitted to go on indefinitely living on alimony. Her outlook is more healthy and her life is a good deal more full as an active member of the community and not as a kept woman.'"[3]

The Nevada judge's remarks are incredible. Women are not socialized to be economically responsible for themselves, although great numbers of women are of necessity their own financial support. There is no connection between being "healthy" and having the necessary skills for a job, being the right age and race for a job, or being paid decently for a job. Nor is there any connection between individual health and the number of jobs available for women in the present economic system.

The judge has also put his finger on the economic comparisons that can be made between wifehood and prostitution. He uses this information as a slam at the divorced woman seeking alimony. We as women see the same comparisons and respond in anger at a society that turns us into bargainers for economic security on any level.

## Child Support Burden on Women

Another area in which women suffer is in the area of child support. Because the courts assume the father will want to remarry and have another family, it often orders the man to furnish less than half of the support for the children. Because the woman is expected to remarry, and will therefore get support for herself and children from her new husband, this arrangement is not considered unfair.

Little consideration is taken of a woman's economic reality: (1) she has a proportionately harder time finding a job than a man; (2) she is often not hired by employers if she has children; (3) she is paid less than a man when she does work; and (4) she has virtually no child care alternatives once she does get a job, so that much of her already unequal pay must be used for private child care arrangements.

The assumption is invalid for other reasons. Many women do not see remarriage as either desirable or possible, and will therefore not be able to depend on a new husband's income. Secondly, a woman with children is much less mobile than a man in seeking remarriage situations, and her children are often a negative factor in the eyes of men seeking marriage.

Because of the class basis of society, men also suffer in divorce court. Working class and poor men are often financially unable to support their own children, let alone think of setting up a new household. But because the court reflects the view that men must provide for their families, they are caught in the middle, too. The unrealistic economic ideology of the society as reflected in the courts pits husbands and wives against each other, and neither one, nor the children, receive justice.

The women working in the legal clinic also see women who are fighting the courts for custody of their children. Often, these women have a political or sexual life style that is considered "unwholesome" for children–lesbians, women who have left their husbands and are living with other men, or women who have had to give up their children because of temporary inability to care for them and now have to prove to the state that they are "fit" mothers.

The legal clinic workers feel that the best service they provide, apart from specific legal referrals, is the experience of women acting together to change the realities of all women's lives.

Specialization even occurs among alternative groups. Consequently, in addition to the Legal Clinic at the CWLU, there is a *pro se* group devoted entirely to helping women obtain their own divorces. A prison group is just beginning to build up a bail fund and still another CWLU collective with broader goals has risen from the ashes of a National Lawyers' Guild conference.

A description of the Midwest Women's Legal Group, headquartered in

Chicago, is included here as an example of the type of legal group with broad goals which can be established:

The Midwest Women's Legal Group (MWLG), a loose association of law students, legal workers and lawyers, was formed in 1971 to provide legal help for women who need it most. Members have set up legal self-help clinics, worked with rape victims facing courtrooms, helped with custody and juvenile cases and cases involving lesbians, and are preparing a project to begin to deal with harrassment of prostitutes by legal authorities in Chicago. Women from Ohio, Missouri, Iowa, Illinois and Kansas are members.

The group has tried to avoid the usual women's rights cases, since most "test cases" (Title VII, maternity leaves for professional women, etc.) ultimately benefit only the middle-class women who have access to knowledge and resources to file complaints, hire lawyers, etc. That emphasis on helping lower-class women has resulted in an acute lack of funds—and a crucial ongoing project is investigation of sources of money. A newsletter, intended to be published about once a month, has appeared irregularly, because no funds are available to pay a staff person.

MWLG has held several conferences, covering initial formation of the group and the politics and mechanics of legal self-help clinics. A conference on legal rights and problems of lesbians is currently being planned.

MWLG separates the task of providing legal help for women into three basic areas: (1) courtroom work and legal advice, done only by lawyers or law students under lawyers' supervision; (2) lay advocacy (e.g. legal research, self-help), an attempt at de-mystification of the role of professionals and at cost-cutting for clients, and (3) client advocacy, which requires no "legal skills," e.g. sisterly support of the client before, during and after her case, political analysis, liaison between lawyer and client. The group sees operating within these three categories as a way of providing the best help for women forced to function within an oppressive legal system, a part of the overall sexist, racist, capitalist system which MWLG opposes. Although the group has no faith in the legal system's ability or willingness to give women the rights they need and deserve, or to substantially change women's social condition of powerlessness, it recognizes that the legal system is real, that it continually exercises power over women, and that by working somewhat within and mostly around that system, by manipulating it, women can sometimes win a few victories, secure a few basic rights which can help them survive, create a sense of the potential power of women to change their condition.

MWLG plays the legal game by their own rules whenever possible, using the system's sexism, racism, homosexism and classism against it at every step. The organization believes that some reforms which can be gained within the present social system are important, first and foremost to help women *survive,* stay out of jails, keep their kids, etc., and secondly to begin to build a power base from which women can eventually seize the rights they need and deserve.[4]

## Forming a Legal Self-Help Group

To include women outside the law profession, self-help clinics can be very useful. But it is essential that the women meeting are committed to self-help as a policy. The functions of a self-help group are multifold. It most obviously can provide an atmosphere in which lay women can feel comfortable and can become acquainted with the twists and turns of the present legal system without becoming alienated by impersonal professionalism. It can ultimately provide a means for women to confront and eventually control the law. It can and should be linked with other community organizing projects, i.e., Welfare Rights Organization, Tenants' Unions, Women's Organizations, VISTA, and so on. Finally, it can serve to involve women in sharing legal information and skills and thereby as a base from which to organize against the repressive legal system.

The clinic group may consist of community women, legal workers, law students and women lawyers. Together they can learn how to do legal research. In cooperation with any sympathetic lawyers or legal aid services, the group should prepare a step-by-step procedure for *pro se* divorce in their own state. If no Welfare Rights Handbook exists, this can be an excellent state project and organizing tool. The group may want to become involved in preparing short packets or courses on:

How to Get on Welfare
How to Get Food Stamps
How to Collect Unemployment
Buying on Time
Fighting Rape
Women on the Criminal Procedure

At first, the clinic might gather useful information on laws in the state concerning women—abortion laws, welfare laws, homosexuality laws. Someone should probably invest in becoming a Notary Public so all documents requiring such can be handled within the group.

After the group has accumulated some research experience and has put together some information on basic problems (such as *pro se* divorce), they should find a meeting place to establish regular hours, perhaps two evenings a week, for women to come with their legal hassles. The next step might be publishing information for distribution in the community or contacting various community organizations to ascertain the needs of particular communities, then to translate these needs into projects for the group. Eventually the clinic may want to offer short courses for women on various legal aspects or prepare a mobile information-sharing unit.

Valuable resource people will be found with the alternative press, National Lawyers Guild, Tenant Unions, Welfare Rights Organizations, Women's Centers, Women's groups, and some student groups. Hopefully, as projects develop, more community women will become involved. Such a broader input will help prevent legal skills from becoming concentrated in the hands of a new elite.

Funding possibilities can include National Lawyer's Guild, donations, dues, and grants. Most money will go for supplies, postage and publicity. As the group grows, the possibility of one woman getting a salary so she may devote more time to organizing the work should be a goal.

## FOOTNOTES

[1] Bernice Sandler, "Project on the Status and Education of Women," Association of American Colleges, 1818 R St., N.W., Washington, D. C. 20009.

[2] Citizen's Advisory Council on the Status of Women, "The Equal Rights Amendment and Alimony and Child Support Laws," (memorandum) January, 1972.

[3] Citizen's Advisory Council on the Status of Women.

[4] Midwest Women's Legal Group, 54 W. Randolph St., Suite 902, Chicago, Illinois 60601. (Phone: 312-641-1905).

## LEGAL RESOURCE LIST

(From *Work Force*, p. 43)

These are groups and books which may have useful information. There are other groups in the regular resource section, under law and under specialized topics, that are excellent.

**California Rural Legal Assistance**, 1212 Market St., San Francisco, Calif. 94102; (415) 863-4911, is an OEO project, but has sued the government repeatedly for not following its own guidelines. Excellent poverty law group.

**Center for the Study of Responsive Law**, 1918 Q St., N.W., Washington, D. C. 20009; (202) 833-3400. is Ralph Nader's group, and is very involved in all aspects of consumer protection, including reform of laws in this area.

**Coalition to Fight Political Repression**, 19 Brookline St., Cambridge, Mass. 02318, has many projects including raising bail funds, putting out a weekly fact sheet on little known facts about repression and court watching. They focus on political cases. Volunteers are needed for court watching, fund-raising, legal and other research work.

**East Oakland Legal Switchboard**, 2717 San Papio Ave., Oakland, Calif., is a 24-hour answering service providing the crucial legal assistance an arrested person must get on one permitted phone call. The protection of rights, especially those of low-income youth, is the main purpose of the group. They are a good group to contact on setting up a legal switchboard.

**Lawyers Committee for Civil Rights Under Law**, 1600 L St., N.W., Washington, D. C. 20036; (202) 659-7632, has offices around the country. It provides legal representation to community organizations and individuals in class action or test cases involving poverty or racial discrimination.

**Chicago Women's Liberation Union**, 852 W. Belmont, will have a list of all women's law projects in Chicago.

**Legal Program of the L.A. Women's Liberation Center,** 1027 Crenshaw Blvd., Los Angeles, Calif., is a program designed to counsel women in doing their own divorces. The counseling is designed to help with each stage of divorce from the filing of the first forms to gaining the final judgment.

**People's Defense Committee,** 185 East Ave., Rochester, N. Y. 14604, is a group of para-professionals working in various areas of the law. They conduct a program on arrest rights and have conducted workshops in police brutality. They are working now on a Prisoners' Survival Kit (motions or motion forms that inmates may fill out and file themselves).

***Pro Se,*** 1616 Longfellow St., N.W., Washington, D. C. 20010, is the newsletter of the National Law Women. It is published by three women at Howard University Law School and deals with events at law schools around the country and lists available publications and services for women.

**Rocky Mountain Military Law Project,** 1460 Pennsylvania Ave., Denver, Colo. 80203, does military law research and defense in a very militarized area of the country.

**Southern Legal Action Movement (SLAM),** PO Box 1065, University, Ala. 35486, does NLG-type activities in the South which include labor law organizing and other movement work.

**Carol Murray,** San Francisco Neighborhood Legal Assistance Foundation, Women's Litigation, 1095 Market St., Room 205, San Francisco, Calif. 94103, has developed a packet of legal materials (briefs and decisions) on Lesbian mothers' custody cases.

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*A Legal Guide to Self Defense*, c/o Milwaukee Peace Action Center, 1437 E. Brady, Milwaukee, Wis. 53202.

**National Organization for Women,** 5 S. Wabash, Suite 1615, Chicago, Ill. 60603, has many booklets and kits on various aspects of women and law.

**National Lawyers Guild,** Box 673-A, Berkeley, Calif. 94701, has much material available: *The New Draft Law Manual, Civil Rights & Liberties Handbook: Pleadings & Practice, Minimizing Racism in Jury Trials: The Voir Dire of Charles Garry in People v. Huey Newton* (all books), and a monthly publication called *The Guild Practitioner* dealing with current problems of law and practice. All offices around the country also have newspapers. Also, *How to Set Up a Legal Defense Office,* and *Beat the Heat,* a $2 book dealing with people's law, street law, security, how-to's of self-protection against police, DA, et al.

*Job Discrimination Handbook,* a 14-page booklet available from Human Rights for Women, Inc., 1128 National Press Bldg., Washington, D. C. 20004.

# WOMEN AND HEALTH

**Barbara Yates**

# WOMEN AND HEALTH

Fighting America's vast health care system at first appears as a tough, losing struggle. Inadequate and expensive health care prevent women from having any sort of control of their lives–in birth control, sexual relationships, healthy pregnancies, decent care of disease, retirement, and so on. All too often, women in the medical profession have succumbed to professionalism and profit and have ignored their sisters' urgent needs. Hopefully, as recruitment of women for medical schools increases, the number of women dedicated to changing the largely dehumanizing health care system will also increase.

Two approaches, which are not mutually exclusive, are here for consideration: Bernice Sandler urges women to put pressure on institutions of higher education to demand adequate health care for students, faculty and staff. The Los Angeles Feminist Women's Health Center, on the other hand, stresses self-help as the key for women taking power back over their bodies.

The following excerpt from Bernice Sandler's "Project on the Status and Education of Women" considers the responsibilities of the university regarding provision of health services for women.[1]

## UNIVERSITY HEALTH RESPONSIBILITIES

As women begin to examine the entire range of institutional policies and practices which affect their status on campus as employees and students, the college and university health service has recently become a focal point of attention. Sit-ins and demonstrations by women students, dramatizing purportedly inadequate provision of health care, have occurred on several campuses, including the University of Kansas, St. Lawrence University, Tufts University, and American University in Washington, D. C. At the same time, increasing concern is being vocalized throughout the country concerning unplanned and unwanted pregnancy in married and unmarried women, the current venereal disease epidemic,[a] the dangers of a world population explosion, and the risks of cheap abortion.[b] Inevitably the educational community finds itself in the midst of the sometimes controversial issues which are involved in providing health care to women on campus. This paper attempts to provide information as to the issues that are being raised and some of the activities that are occurring in this area. It should not be viewed as an endorsement or recommendation but only as a description of what is going on.

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[a] Infectious diseases, syphillis and gonorrhea, are now outranked in incidence only by the common cold.

Section I of this paper outlines the major changes or additions that women are seeking for college and university health service programs; Section II discusses what institutions are doing to develop or revise health care programs designed to meet women's needs.

In 1970 about 3,250,000 of the 7,900,000 students enrolled in college were women and therefore potential clients of the campus health service. Yet figures compiled by the National Student Association indicate that 53% of the college and university health services do not provide gynecological services and fully 72% do not prescribe birth control for women. These data seem to confirm what women on campus are pointing out: that no systematic provisions are made for dealing with the health problems of women and that the schools have generally treated sex-related health needs as a separate medical need, outside the realm of their responsibility to women on campus.

Women needing gynecological care, treatment for venereal disease, contraceptive advice and other health-related care often find that they cannot be treated by their institution's health service, regardless of the nature or seriousness of the problem. Although women students usually pay their school a separate charge for health care, most have had no alternative but to rely on a private physician for gynecological care and contraceptive advice, resulting in additional costs to the student. In addition to having physical needs untreated by their own health service, many women complain that some doctors voice personal opinions concerning the morality of the patient.

It is in this light that women on campus are making the following points: that sex-related health needs are a medical problem that should be

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[b] This concern is reflected in a public opinion poll conducted by Opinion Research Corporation of Princeton, for a March 1972 report of the U. S. Commission on Population Growth and the American Future. The Poll indicates the following:

--87% of American adults think that the government should make birth control information universally available
--6 in 10 adults favor birth control education at the high school level
--6 in 10 adults favor abortion for reasons other than saving a mother's life
--8 in 10 adults support legislation of voluntary sterilization
--5 in 10 adults would remove all legal restrictions on abortions

met with consideration and respect by the doctor in the same manner as he or she would handle any other medical problem, and that control of her reproductive functions is a fundamental right of every woman. They state that the job of the university or college health service is not to establish what is morally good or bad, but to do what is medically necessary: provide the best possible medical advice and treatment to a woman for all her health needs, especially those of a gynecological nature. Health needs relating to sex, for women (and men), must be considered as valid medical problems to be handled by the college physician and educators in the same manner as any other health problem involving one's emotional and physical well-being.

## FAMILY PLANNING

This position is supported by the American College Health Association, which in March 1970 released a statement on Population and Family Planning. In making this statement, the A.C.H.A. tackled the most controversial issue head-on by saying:

> This position statement neither condones nor condemns premarital sexual intercourse. We assume that persons will or will not engage in an active sex life on the basis of their instinctual drives, their personal values, their family relationships, their educational background, and a host of other factors. It has been amply shown that they will engage in intercourse and risk pregnancy whether contraceptives are available or not. . . . For the young woman seeking contraceptive advice and a prescription in the student health service, the Association's position is that this should be regarded as a serious health problem to be dealt with by the physician as he would any other health problem, on an individual and confidential basis. . . . Furthermore, if it is medically right to prescribe the contraceptive, it is right to do it in the student health service, assuming that the personnel are competent.

A group of concerned women students and employees at the University of Kansas similarly stated: "We do not feel that physicians who for personal or religious reasons cannot prescribe birth control should be forced to do so, but that the student health service has the obligation to provide women with their contraceptive needs."

The scope of the problem goes beyond the purely medical aspect of gynecological and contraceptive advice and treatment, however. Women on campus are equally concerned about the need for educational efforts to overcome student ignorance leading to unwanted pregnancies, venereal disease, medical complications from cheap abortions, and, in general, irresponsible sexual behavior. According to the Commission on Population Growth and the American Future, nearly half of the unmarried women in the United States have had sexual intercourse by age 19. However, most of them have relations with only one man and not very frequently; the picture is not one of "rampant sexuality among the sexually experienced," but of greatly misinformed teenagers with vague ideas about how pregnancy occurs and about the use of contraception.

The role of the college or university in sex education and counseling to combat the above problems is seen as multi-faceted, involving both information about human reproduction and the discussion of human relationships and responsibility. In the absence of more elementary instruction in the basic concepts of human reproduction, medicine and health care, which educators like Dr. Ronald Pio of the University of Hawaii's School of Public Health feel should have begun in early childhood, many institutions are finding themselves in the position of fulfilling a remedial role for their students by providing courses with this information. On the other hand, what many see as the proper role for higher education–courses covering the more profound aspect of human relationships–are also sought for inclusion in college educational programs. As stated by Margaret McKenna of the Harvard University Health Service, "I feel very strongly there should be continuing sex education at the college level–not concerned with facts, per se, but with relationship, intimacy, responsibility: the real questions about sex that adults have to deal with."

Where colleges and universities have relaxed or abolished parietal rules, there would seem to exist an especially weighty responsibility towards the proper education of the student body regarding human relationships between men and women, including free discussions of gay relationships.

Ultimately, women see the provision of adequate medical care to women students as intimately linked to the provision of sex education and counseling programs; neither will work successfully unless the other is present.

The basic elements that women seek to include in medical and educational programs for college and university women are as follows:

**A. Medical Services**

1. An obstetrician-gynecologist (or G.P. with training in the female reproductive system) made available by the university full or parttime, and placed in the campus health facility to meet the university women's gynecological health needs.

2. Birth control devices and prescriptions available after counseling to any woman at the cost of the device or prescription, regardless of the marital status or motive, except in cases where the use of a particular contraceptive would be medically unsafe for the woman.

3. Pelvic examinations included with the initial prescription of all birth control devices, and provisions made for routine follow-up care for women using birth control.

4. Pap smears taken and diagnosed free of charge (this is a routine medical need for every woman and should necessitate no additional fee over and above the fees that every student pays for medical services).

5. Testing for and treatment of venereal disease.

6. Testing for and counseling concerning pregnancy.

7. Abortion counseling and referral, and availability where legal.

8. Training of supportive personnel (such as students and other members of the university community) to perform such tasks as testing for venereal disease and to aid in initial counseling and educational duties.

9. These services should be available to all women students, staff and faculty who wish to use them.

**B. Counseling and Educational Services**

1. A formal counseling service staffed with trained personnel and/or student aides should be available to all members of the academic community to cover the following areas: contraceptive counseling, with effectiveness, advantages and disadvantages of each method discussed with every woman seeking advice; counseling regarding V.D. symptoms and treatment, problem pregnancies, abortion, and sterilization; counseling concerning problems of sexual dysfunction; discussion about sexual relationships and alternative life styles.

2. Credit or non-credit offerings in human sexuality and reproduction should be provided for all students and other interested university and college members. This educational effort is best accompanied by the publication and distribution of a "handbook" summarizing the basic information presented in the courses and explaining the services available from the health facility.

**C. Insurance Coverage**

1. University-sponsored insurance policies should be examined to determine if they restrict or exclude benefits to women

students and employees. The following examples are cited as evidence of inequitable policies:

- —Are maternity benefits available to employees but not to students?
- —Are maternity benefits available to married women but not to single women?
- —Are maternity benefits available to faculty wives but not to female faculty members?
- —Can men have urinary-genital examinations under insurance coverage, while women have to pay extra for pap smears and pelvic examinations?
- —Are policies only available to single persons or families, placing the single parent in the position of having to buy more expensive family coverage with benefits not needed?
- —Are vasectomies covered but not sterilization for women?

### D. Decision-Making

1. Women, both employees and students, should be represented on any policy-making bodies with jurisdiction over the university health service.

2. Women, both employees and students, should be represented on any search committees involved in the recruiting and/or hiring of medical personnel.

In addition to what the university should provide its community is the development of women's self-help clinics across the country, aimed at women finally taking control of their own bodies. Perhaps not a new concept, self-help became a realistic approach to power with the nationwide tour of self-help demonstrations in 1971-72 by the Feminist Woman's Health Center group of Los Angeles. With the victory of Carol Downer's trial Dec. 5, 1972, the idea of self-help advanced into national promise—and the situation for women will never be the same again. Here is a brief chronological summary of the growth of the L.A. self-help clinic, and the trial that ensued put together by Joan Robins and Carol Downer of the Feminist Women's Health Center.

**Fall 1970**

Cheryl Libbey writes in *Everywoman* that women have to take over the apparatus of abortion if they ever want to get control of their bodies.

**November 1970**

Meeting at the Los Angeles Women's Center about abortion, what strategy to take.

**December 1970**

Carol Downer meets Cheryl Libbey and together they try to get a women's abortion clinic started. Carol comments that she felt "there wasn't a place for me as a mother, a housewife in the movement." She takes to heart Robin Morgan's admonition at a special Women's Center meeting that the women's movement should choose issues that affect all women, not just middle-class professionals.

**January 1971**

At an abortion conference, five women (Carol included) storm the stage before the doctors can take their lunch break, seize the microphone, and tell the doctors "You've fucked around long enough with our lives. . . . Gentlemen, we're going to do it ourselves." Julie Barton made posters saying "Self-Help Clinic" and the name and idea are born.

**February 1971**

Carol and other women observe Harvey Karman's abortion clinic. Carol, finally allowed in the examination room, sees her first cervix. "I was enraptured by the whole experience. I could see why we were kept in ignorance; it was all so simple." Within a week, Carol was looking at her own cervix and wondered what would happen if women could examine their own vaginas and cervixes.

**March 1971**

First meeting of the Self-Help Clinic (SHC) at Everywoman Bookstore (now defunct). A small group of women begin meeting regularly to learn self-examination, to discuss their medical, gynecological experiences, and to learn what is good health care for women. Lorraine Rothman, who had read the *Everywoman* article, comes to this meeting after searching for months for women interested in abortion/health care. The form essential to Self-Help Clinics is: get up on the table, insert the speculum, and look at the cervix. It quickly cuts through the rhetoric, and makes us aware of a way that cultural conditioning ("modesty") keeps us in our places.

**May 1971**

Lorraine Rothman, experimenting with abortion instruments, develops one for less skilled group of women to use.

**June 1971**

Several women go to Seattle to learn how abortions are done.

**August 1971**

The Self-Help Clinic opens an office in the Crenshaw Women's Center, breaking with the Everywoman Bookstore, which wanted to close their meetings and perfect their skills toward becoming paramedics. Carol, Lorraine and others want to get the SHC idea out to more women, so they finally open their door at the Women's Center and publish the first article on the SHC in *Everywoman*, signing it "West Coast Sisters."

**September 1971**

Self-Help Clinic presentations at the National N.O.W. Convention in L.A. spark the idea of a trip across the U.S. to begin other SHC's.

**October 1971**

Carol and Lorraine take off by bus for "One of the most fun things I've ever done," starting clinics in Iowa, Chicago, Washington, D.C. and many more places. . . .

**November 1971**

SHC opens Women's Abortion Referral Service—at first giving free counseling and care while the woman got her abortion in an accredited hospital, then later taking a small "counselor's fee." This fee, part of the cost of the abortion, pays subsistence wages to the staff.

**January 1972**

New classes develop in SHC: paramedics and young women's SHC.

**March 1972**

When a mother finds out her junior high school daughter is going to learn about birth control in a SHC, she attends with the daughter, and then complains to the school and/or the City Attorney's office.

**April 28, 1972**

Sharyn Dalton, undercover police agent, claims she went into the Women's Center, talked to Carol about missing a period. She says Carol offered her a chemical test and an examination to see if she was pregnant, and then offered to tell her about birth control methods. When Dalton asked about an I.U.D.

she claims that Carol told her she and the other women were paramedics and could install an I.U.D. The trial refuted these allegations.

**May 11, 1972**

Dorothy Jenkins, counsellor at El Sereno Junior High, attends paramedics class. Jenkins was invited by a friend of the SHC, but also was instructed to take notes for another friend, Detective John Urso of the Consumer Affairs Department (in charge of the Board of Medical Examiners). Dorothy notes that Carol says, "It's important for a woman to be aware of her own anatomy and she should be able to examine herself."

**August 1972**

The Self-Help Clinic moves up the block from the Women's Center for purposes of expansion. Now housed in a large, white two-story mansion is the SHC-One, Women's Abortion Referral Service and the Woman's Free Clinic all together as the Feminist Women's Health Center (FWHC).

**September 1972**

Police invade the Women's Center, while simultaneously raiding the FWHC. Abortion referral records, SHC literature, speculums and yogurt are confiscated from the FWHC.

**September 21, 1972**

Colleen Wilson and Carol Downer are arrested for violating Section 2141 of the State Business and Professional Code—practicing medicine without a license. Eleven counts against Colleen. One against Carol, specifically, diagnosing a common vaginal yeast infection and applying yogurt as "treatment."

**September 23, 1972**

Colleen Wilson pleads guilty to fitting a diaphragm. Other charges against her are dropped and she is fined $250 and put on probation for two years.

**October 11, 1972**

Carol arraigned, pleads not guilty. In between, hundreds of women sign affidavits of support, $5,000 is contributed by friends, many hours are spent by lawyers Jeanette Christy and Diane Wayne, women law students and the staff of the FWHC preparing for trial.

**November 9-17, 1972**

Carol and Lorraine Rothman start a fund-raising/publicity trip, give several

SHC demonstrations and press briefings, meet Robin Morgan, poet-feminist writer, Florence Kennedy and Gloria Steinem.

**November 20, 1972**

Carol's trial opens in L.A. Supporters demonstrate outside the courtroom shouting "Free our bodies! Free ourselves!" TV coverage on all stations. Male judge assigns a woman judge, Mary Waters, to the case.

**November 27, 1972**

After motions to dismiss the case are denied, defense begins voir dire questioning of jurors to determine biases (questions like: Is it possible for you to discuss the vagina as a part of the anatomy like the nose or eye? Would the defendant's association with women's liberation prejudice you one way or other?)

**November 28, 1972**

By noontime, the jury is chosen: five women and seven men. The Prosecution has Dorothy Jenkins testify that she observed Carol diagnose a yeast infection for a "bouncy" woman with an accent, and then took a swab and applied yogurt into her cervix.

Sharyn Dalton testifies that she talked with Carol about an abortion, but she did not know whether it was to be legal or illegal. Motion to dismiss for lack of evidence that Carol held herself out to be a doctor, or that a yeast infection needs the attention of a doctor. Denied.

**November 29, 1972**

After several defense witnesses, Dr. Howard Marchbanks testifies that he has told patients that yogurt could be used for yeast infections, and that they could insert it themselves. He even sometimes gives them their own speculums. Under cross-examination, Dr. Marchbanks was given hypothetical situations and was asked if he thought they were examples of diagnosis or treatment. End of the day sees everyone confused as to just what is the difference between diagnosis and treatment.

**December 1, 1972**

Prosecution summarizes, making it seem as if having an examination table and using the word clinic is proof enough of criminal activity.

The defense argues that the statute is too broad, so that a mother couldn't give cough drops to a child at the zoo without breaking the law. The other main point argued is that "domestic administration of a family remedy" is excluded from the law, and the use of yogurt is a family remedy being applied in a home-like situation.

**December 4, 1972**

The Prosecutor in his final rebuttal admits there is nothing wrong with a woman wanting to know how her body works, nothing wrong with learning to recognize types of disorders, nothing wrong with learning not to be embarrassed when going to a doctor. "But," he says, "if that were all, we wouldn't be here today." He maintains that Carol diagnosed a yeast infection and applied treatment, and that this act constitutes practicing medicine without a license. Jury leaves for deliberations. Now jury is eight men, four women as a woman juror disqualifies herself, claiming she was under too much pressure.

**December 5, 1972**

After five and a half hours of deliberation, jury returns–not guilty.

Now, in 1973, Carol Downer and the women at the FWHC intend to follow the adage–two, three, many Self-Help Clinics. The women want to build up to acquiring and staffing an all-women's hospital. In order to take power, we must learn the skills of the people in power. Consistent with this idea, the women at the FWHC also plan to expand the concept of self-help to legal services. From the trial, they discovered the necessity of deprofessionalizing law in addition to medicine. Practical recommendations for trial preparation can help women in the future.[2]

The political implications of seizing power in medicine and law through the self-help concept is just beginning to be understood. The FWHC has made a new commitment to combining self-help approaches in more fields and building towards a Power House where women can begin to control their own destinies. Here is FWHC's description of the way a clinic began:

## STARTING YOUR OWN CLINIC

A group of women banded together to seriously consider some mutual questions concerning the care of their reproductive organs. It all came about because each of us seemed to be getting the same kind of no help from our physicians. So we decided to just rap, share experiences, and maybe as a group seek out some answers on our own. Our results were so mind blowing that we want to share them with our sisters in hopes of encouraging others to do the same.

We made a discovery on our very first meeting. In order to better understand what we were talking about we had to look. So we encountered our first, last and only hang-up in the entire rap self-help clinic. And we did it with the help of 5 per cent courage and 95 per cent curiosity. Up on the table each of us went. Some of us were a little shy going up, all of us thoroughly with it by the time we got down. All were learning about our sexual organs and realizing that we were not only sharing our answers but were learning things about the cervix that was a gold mine of information. We learned a very simple self-examination procedure. We were able to purchase plastic speculums (one for each woman). The speculum opens the vaginal cavity to allow examination of the vaginal walls and the cervix. With the use of a lamp and mirror, it became quite simple to examine ourselves for irritations, discharges, changes on the cervix.

We feel another important aspect of this clinic is to talk about the political implications of women being able to control their own bodies. Giving abortion referrals, becoming fully aware of the great need for abolishing all laws that restrict and control women. We believe that getting to know yourself can save your life. Women are killing themselves with panic abortion methods, because our laws refuse them proper care. In spite of our restrictive laws, getting to know our own bodies and what we can do for them has opened up far better choices of personal care. We are continuing to live under outrageous laws and barbaric medical practices. We believe that in learning to accept the care and knowledge of our own physical selves, we will be well on the road to self determination. We will also be more personally knowledgeable to recognize problems early, so as to seek professional help quickly.

We have no leader, no formal structure. We use some consciousness-raising techniques during our discussions. Although physical experience is essential, rapping about sex, reproduction and physiology especially when you don't know what you are talking about can lead to some fancy bullshitting, that has to be dealt with by reference to some factual materials. In addition to standard tests, we strongly recommend *The Birth Control Handbook*, put out by the Women's Liberation Group in Canada. (Mailing address: P.O. Box 1000, Station G, Montreal 130, P.Q., Canada). There are films available through most public and school libraries. They are informative and can be valuable for comparative purposes. After viewing a film on the present medically approved hospital abortion methods (commonly called D and C's), we checked into and found a better, more humane, and safer method being developed and used. Ask your own OB-GYN about the Karman canulla method. See what he answers you, if he even knows about it.

We feel that by far the most important aspect of our self-help clinic is in its political implications that we women have the right to control our own bodies.[3]

## FOOTNOTES

[1] Bernice Sandler, "Project on the Status and Education of Women," Association of American Colleges, 1818 R St., N.W., Washington, D. C. 20009.

[2] Feminist Women's Health Center, 746 S. Crenshaw Blvd., Los Angeles, Calif. 90005.

[3] Feminist Women's Health Center.

## SOME WOMEN'S CLINICS

Feminist Women's Health Center
746 S. Crenshaw
Los Angeles, California

Women's Health and Abortion Project
Women's Liberation Center
36 West 22nd St.
New York, New York

Berkeley Women's Health Collective
2339 Durant St.
Berkeley, California

Alice Hamilton Women's Health Center
55 S. Ashland
Chicago, Illinois

S. E. Women's Clinic
4627 S. E. Hawthorne
Portland, Oregon

People's Free Clinic
[illegible]028 Greenmount Ave.
Baltimore, Maryland

Women's Clinic
341 E. 12th
Eugene, Oregon

Boston Women's Health
Collective
Boston, Massachusetts

Medical Committee on Human Rights has a fairly complete list of all free clinics in the country. Write:

Berkeley Free Clinic
2308 Bancroft Way
Berkeley, California

Check also:

Whole Women's Catalogue
P. O. Box 1171
Portsmouth, New Hampshire 03801

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*Nearly all of the above items are taken from *The Politics of Health Care: a Bibliography,* compiled by Ken Rosenberg and Gordon Schiff, Boston Medical Committee for Human Rights, 48 Aldie, Allston, Mass. 02134. The asterisk next to numbered pages means that the compilers will send Xeroxed copies of those pages.

# THE GAY STUDENT GROUP

Steve Werner

# THE GAY STUDENT GROUP

A Gay woman going to school at a small college in New England described her feelings of isolation in a letter to *interCHANGE*, newsletter of the National Gay Student Center:

> I am just beginning to come to terms with my gay feelings. After having a pretty bad scene, including threats of being thrown out of school last year, negative feelings from parents, a total rejection from a lover on top of self-hate and inner turmoil and being labelled as "sick unless you can come to a heterosexual orientation" by a renowned psychiatrist, my insides are really twisted.
>
> But inside, my views are changing. I feel that homosexuality is a variation – and a beautiful one at that. But these changes are only occurring inwardly as I can't seem to find anyone or group to share them with. The loneliness and frustration is so powerful at times. . .
>
> I have read books and articles and talked about it with straight people, but it is gay people that I need – don't know how to find it. It's as if I can see the untapped potential within me as far as being a person goes – but I can't tap it. Like – what do I do?[1]

Unfortunately, the feelings she expresses are probably shared by the vast majority of gay people in this country today. For most gays, their sexual orientation is a horrible secret, to be shared with only a few trusted friends. If they participate in the gay sub-culture, it is only in certain sharply delineated environments that they can "be themselves." For men, in bars, baths, public cruising areas, and gay parties. For women, in a few bars and close-knit social groups. These meeting places, for the most part, tend to reinforce the isolation gay people feel. They provide relief for only sexual and a superficial kind of social need. Martin Rogers has described the shallowness of the traditional gay male world:

> The body is an easy lay. Years of social conditioning have taught the gay person not to expect too much. So saturate his ears with quadrophonic sound, his eyes with scores of attractive men, and give him a cock to suck on, and you have a happy homosexual. For that moment. The depression, loneliness, self-alienation and paronoia occur later, far from the traditional centers of the gay world. [2]

The 1950's saw the first sustained groups formed by gay people to deal with their oppression and to attempt to build some alternatives. One, Inc., of Los Angeles was first, followed by the Mattachine Society and Daughters of Bilitis (D.O.B.) in San Francisco. Through the sixties these groups gradually grew in numbers, strength and confidence. They were generally middle class organizations, male-dominated (except for the D.O.B. chapters), and concerned with civil rights for homosexuals. Although these groups may seem conservative or even reactionary today, it is worth remembering that the "homophile movement," as it was then called, sprang up at a time, and perhaps in response to, an outburst of anti-homosexual fervor, the campaigns of Senator Joseph McCarthy against homosexuals in government. Their leadership faced overwhelming public hostility.

The now famous riot at the Stonewall Bar in New York City in June, 1969, provided a new burst of energy to the slow-growing homophile movement, a redefinition of purpose, and a variety of new tactics. Those who fought to protest a police raid of the Stonewall were younger and more militant than the leaders of Mattachine, The Society for Individual Rights of San Francisco (S.I.R.), and D.O.B. Strongly influenced by the growth of the counter-culture in the late sixties and by the black and women's movements, they demanded not integration, but "liberation" for gay people. Furthermore, they saw the struggle of gay people as having ties with the struggles of other oppressed people against a common enemy – straight, white men. Calling themselves the Gay Liberation Front (G.L.F.), these militant young gays began chapters across the country, formed living and working collectives, put out gay newspapers, and provided a much-needed boost to the gay struggle.

Within a year of the formation of the New York G.L.F. came an important division in the gay movement. There were many gay people who saw the value of organizing themselves in groups, but who felt uncomfortable with G.L.F.'s structureless decision-making process and its political stands on non-gay issues. The Gay Activists Alliance formed, emphasizing traditional democratic structure (officers, committees, etc.) and activism on strictly gay issues. Other G.A.A.-type organizations soon spread throughout the United States.

## The Need for Campus Groups

The 1969-70 school year saw the initiation of gay organizations on many college campuses. (The honor for the first campus group again goes to New York City – at Columbia University in 1968.)[3] The growth of gay groups on campuses over the next three years was explosive. Today, there are an estimated 200 colleges and universities which provide the site for groups, and more form every month. They are found in almost every state of the union, in large cities and in some small towns. They vary in size and sophistication from groups which include more than 100 students and carry on a variety of activities to tiny organizations which are desperately struggling to survive. Some are primarily social meeting places; others are more politically active and work hard at formation of alliances with other organizations and movements in their campuses and communities.

A male student at Columbia University describes the personal effect the gay group at his school, Gay People at Columbia (G.P.C.) had on his personal liberation:

> I really think the G.P.C. was indispensable. It is the only way someone is going to come out on campus. I don't think anyone is going to come out on their floor (at the dormitory) unless they feel they have support. They are not going to do it by themselves. I came out on my floor when I went to a floor meeting as a member of G.P.C. and that was a good feeling. [4]

The first and most essential purpose which a gay organization on campus can serve is support for its members. Gay people are bombarded with the propaganda of a straight culture telling them they are "sick," "inferior," "unfortunate victims," "a faggot," and so on. Only infrequently can a straight person be sensitive enough to the gay experience to be able to give genuinely positive, accepting, non-judgmental support. Gay people must do this for themselves, and groups can be a vehicle for doing this. Trust between group members grows slowly, but it must be nurtured for the group to thrive. Members must come to feel that if they become a target of gay oppression that the group will come to their assistance.

Often it takes a crisis to make conscious this feeling of support. Martin Rogers has described the reaction of the group at California State University at Sacramento, then called the Society for Homosexual Freedom, when the University denied the group official recognition:

> Being denied recognition was a moment of truth for the Society for Homosexual Freedom. Being embraced by other liberation groups on campus had blinded us to the realities of the larger world. Being denied recognition, being decreed invisible, reactivated in most group members other similar and painful incidents in their lives. The difference this time was that there was mutual support. . . Two faculty members openly acknowledged their homosexuality through letters to the Acting College President and to the campus paper – they insisted on being seen. For once, homosexuals were not running and hiding. [5]

After detailing additional help the group received from a local attorney, the student body president, and other student groups, Rogers concludes, "Being denied recognition produced a strong feeling of camaraderie among group members." [6]

A second need fulfilled by campus gay groups is social contact. As shown above, the possibilities for developing a genuine, human relationship are inhibited, if not actually prohibited, by the traditional gay meeting places. Again, unless this basic need can be met by an organization, it is difficult for it to succeed on other levels. Rogers describes an incident early in the Sacramento group's history which helped to define this need:

> Invitations had been extended to the group by two members who were lovers for a combination discussion-socializing evening. The invitations had been verbal and the emphasis on the discussion aspect or the socializing aspect varied with the partner extending the invitation. I anticipated a social evening with some time set aside for a discussion of psychological aspects of homosexuality which I had agreed to lead. I arrived at 8:00 p.m., an hour-and-a-half late. Some people were talking in small groups, others were listening to music and many were in one room watching sex films. It seemed like a pleasant party, and I was betting myself that we would never get to the discussion part when one of the hosts blew up at me for sabotaging the evening and at the group members for being more interested in social activities than in discussion of significant issues. My needs that evening had been social, as were the needs of the majority of the other group members. The meetings preceding that evening had dealt with business affairs, and the events of that evening brought into focus the desire of the members to have fun with each other and to get to know each other. We lost one host as a member, but we began to realize that in order to struggle together, we had also to play together and that we needed an alternative to the gay bars.[7]

The need for alternative places for gay people to get together is as apparent in large cities as it is in more isolated areas. New York City probably has more gay bars than any other city in the world. Yet the initiation of a gay lounge as a meeting place at Columbia was as necessary for one student as if he had been living in Sacramento.

> I found it difficult to meet gay people that I had anything in common with except that you want to go to bed. . . I am not sure whether it was coincidence or symbolic development, but my life has improved about 1000 per cent since the gay lounge opened because although I didn't spend as much time there as others, I met an array of interesting people. [8]

Alternatives to the bars can take a variety of forms. Ideally, they should be comfortable, relaxing places where gay people can feel free to be themselves and meet each other with dignity and respect. At various schools these take the form of coffeehouses (the University of Maryland, for example), offices/drop-in centers (George Washington University), lounges (Columbia University), or dances (countless examples). Some groups take occasional outings together away from the campus environment.

## More Powerful Purposes

For some group members these first two needs are all they expect and want the group to meet. Many gay students learn in time, however, that groups can have other potentially more powerful purposes.

Many gay people discover that they have a need to discuss aspects of their experience as gay people *with* other gay people. This is not the social banter common in bars. It is not therapy because there is no assumption that one or all of the participants is "in need of help." They need a group which focuses energy on the development of their identity as gay people.

The idea for consciousness-raising groups (C.R. groups) was borrowed from the women's movement. Its first widespread use by gay people was probably by male members of the New York G.L.F. Consciousness-raising is based on the principle that oppressed people internalize the values and attitudes of their oppressor. For any oppressed people to free themselves from these psychological shackles requires a conscious struggle with other members of the oppressed group. A pamphlet written collectively by a New York C. R. group explains:

> In our consciousness-raising group, we have been trying to step outside the straight man's myths and institutions, to suspend the limited ways we deal with each other, and experiment with new ways of relating. . . We use (C.R.) to discover our identity as gay men, to recognize our oppression in a straight society, and to seek a collective solution to mutual problems. We as gays must redefine ourselves *in our own terms*, from our own heads and experience, because no political philosophy designed by white heterosexual men can be adequate for us.[9]

C. R. groups consist of from five to fifteen people. After the formative few weeks, the group closes itself to new members. The group generally meets weekly, often rotating between members' houses. Although this is not true of all C. R. groups, the New York group's internal process is common to most:

> The format of the session consists of each person's testimony on a given topic and a concluding discussion. Notes are kept from week to week. The topic chosen must be relevant to the members' life experiences and should be agreed upon by all. Usually chosen as a first topic is "coming out," one's first sexual experiences. When giving testimony a group member relates his personal experiences and feelings about the topic, avoiding any tendency to intellectualize or to draw conclusions. . . After everyone has given testimony, the group compares the evidence of their experiences. The significance of the similarities and differences in people's testimony is considered. Generalizations about the condition of gay men in our society emerge.[10]

Forming C. R. groups is one way in which to develop a gay identity. Another is by having courses or study groups organized at the school around the issues of homosexuality and gay liberation. Study can take place either formally through a university-approved, credit course, or informally at a free university or experimental college. The advantage of the former is that it puts the full weight of the university's institutional prestige behind the course, and it can potentially educate more students. It also makes available university resources – money to pay the instructor and to finance things like films. On the other hand, university-recognized courses usually restrict the instructor to being a properly degreed faculty member and require an immense amount of bureaucratic red tape (if not outright opposition). Free university courses are much simpler to set up, and they can be taught by anyone. Their format can be as loose or as structured as those attending wish it to be.

The most extensive set of courses and the nation's first gay studies program exist at California State University at Sacramento. The program includes three separate courses, administered by a board of directors and funded by the student government. These courses now include, "The Image of the Homosexual in Literature" in the English Department; "Homosexuality" in the Psychology Department; and "Lesbianism in America" in the Honors Program.

Dr. Charles Moore, who teachers the English course at Sacramento told the *Advocate* that the program took several years to develop and get approved.[11] "We used the Women's Studies Program and the Ethnic Studies Program as precedents for ours." Gay courses were offered and proven successful before the program as a whole was submitted to the Student Senate for approval. "We went in *en masse* and they passed our proposal unanimously." The next step, Moore said, would be to approach the Academic Senate for faculty approval of the program. He expected that the Sacramento group would wait a year before doing this to demonstrate the success of the program, again following the lead of the Women's Studies Program.

**Education of Campus and Community**

Gay people are oppressed by the attitudes held by the majority of straight people of this country and by the institutional policies which are crystallizations of these attitudes. Even when, after a process of consciousness-raising, gay people realize that the source of their feelings of loneliness, alienation or self-hatred are not inside but outside themselves, they may or may not choose to act to change the attitudes of straight society. Yet these attitudes must change, and only gay people speaking out angrily and joyfully can educate straight people about who we are and why we demand our liberation.

A widely used method of speaking out to straights is the speaker's bureau. This requires gay people who are comfortable enough about their choice of life style so they can talk about themselves and their sexuality with relative ease. It is best never to send just one speaker to an invitation; the support of at least one other person is often helpful. It is usually best to include a balance of men and women, when possible, at any speaking engagement. The Rochester G.L.F. described the approach they usually used when speaking:

> In meeting a class our basic format has consisted of reading a short prepared statement. This we usually follow with a brief informal talk on gay liberation and the organization in Rochester, before we move on to questions and discussion. Discussions have included a wide range of topics, depending upon the interest of the class (regardless of course titles) or of the individual involved. . . Only once have we encouraged open hostilities: "How do you know you wouldn't like heterosexuality if you haven't tried it?" To which we answered simply, "Did you try homosexuality before you chose to limit yourself to heterosexuality?"[12]

More important for the success of the discussion than the format seems to be the attitude of the gay speakers. Joe Kennedy, former chairman of the "agitprop" (agitation and propaganda) committee of the New York G.A.A. explained:

> We don't go in like just another group of politicians pushing just another political cause. We go in representing a whole new lifestyle, new culture. And we go in as happy and proud human beings. When we tell them, "If you think you're gay and you want to see what it's like, come down to the

> Firehouse (G.A.A.'s community center)." We don't tell them that's where we have our political meetings – we tell them that's where we have dances, where we show movies, where we rap. "We're enjoying life. Come out and dig it with us!" is the message.[13]

Discussions can occur in classrooms, in dormitories, in high schools, before local civic groups. They can be enhanced with films, film strips, or theater. Some groups hold campus-wide symposiums or seminars and invite speakers of national fame; others quite successfully rely on local gay people. Radio and television stations are often looking for panels to talk about current topics, and invitations to appear are usually not hard to manage. Once organized, a speaker's bureau should have no problem finding engagements.

Other possibilities of educating the campus and community are limited only by the imagination and energy of group members. Gay People at Columbia included a thirty-minute slide presentation and a wine and cheese party as part of freshman orientation. The University of Maryland Gay Student Alliance holds an annual art show. Campus newspapers often welcome articles and even columns by members of gay groups; at some schools they have run special sections about gay life on campus and the campus group.

### Providing Services to Gays

Universities, like other institutions in this society, are run by and designed for straight, white men. It should, therefore, be no surprise that the services they provide sometimes do not meet the needs of gay men and women. We have already discussed the lack of social meeting places which heterosexuals are accustomed to; there are other needs equally lacking. When gay students approach a college counselor about personal problems unrelated to their gayness, they are often made to feel that their choice of life-style is the issue. If they fear that they might have V.D., the doctors at the campus health center almost surely will be unprepared to treat it with understanding and concern. They usually lack medical training to diagnose many kinds of V.D. common to gay people (like anal and oral V.D.), and they usually hold negative attitudes toward homosexuality.

Policies of the university or college toward providing services to gay people will not change until gay people apply pressure to make them change. This is the fifth need which a gay group can serve. There are two ways to do this: The first is to work within the university/college system to influence the administrators to change. This can be slow and frustrating, but it usually shows some effects.

One campus where the first alternative was used successfully was the University of Michigan. Following an initial workshop which brought together 40 university counselors and 25 to 30 gay people, a committee was composed of both gays and counselors which formulated a proposal requesting a full-time professional staff assistant to "relate responsibly to the homophile groups on campus." In a compromise, approval was obtained in September, 1971, to hire two part-time program assistants (who were gay) to work with the Office of Student Services staff in the specific area of homosexuality. At the close of their first year, these two "gay advocates," Jim Toy and Cindi Gair, named their two main activities as:

> (1) Peer "advising" of gay women and men: some with psychological problems – which ones were referred to "real" counselors when the gay assistants felt "out of their depth" – and most simply lonely gay people wanting to meet other gay people in something other than the usual dehumanizing ways which are open to them. (2) Talking with community groups and university classes. [14]

Other, less ambitious attempts to change attitudes have been made at other schools. At George Washington University, Gay People's Alliance has sent panels to address medical school students two consecutive years. Other groups have provided information about V.D. and its treatment to their members in cooperation with the campus health center. This seems to be an area of organizing which has not been adequately explored.

**Help for Personal Problems**

The second alternative, by no means exclusive of the first, is to organize alternative services for gay people. This is usually done informally, without much publicity, but it may be one of the most significant needs a group can fulfill. When gay people come out, they usually fear the anger or rejection of their families and straight friends. They have no one else to turn to but gay people who have experienced situations similar to the one they are in. People in the gay group can provide support and a listening ear, usually all that is needed to work through a personal problem.

A couple of suggestions might be helpful for groups entering into "peer counseling." One is to have a well-publicized phone number where gay people who seek help can call. As the group increasingly makes its presence felt on the campus, more gay people are going to feel free to "come out." Often they are afraid to attend an openly gay function, but with a little reassurance on the phone, they gain confidence to meet other openly gay people face to face.

Another suggestion is to be prepared for the possibility of encountering more seriously disturbed gay people. Although the vast majority of contacts will need no more than the chance to talk to or meet with other gays, the group must have proper back-up for these rare cases. Ideally, the group should have a gay psychiatrist or counselor who can take on these cases. Since this is often not possible, arrangements must be made with the most sympathetic and concerned counselor(s) for occasional referrals.

The final need which a gay campus group can meet is the desire for political change. Inevitably, this need will *not* be felt by all the members of the group. Among most groups, there will be a range of attitudes toward involvement in "politics" – ranging from total opposition through a desire for involvement only around gay issues to a need for working for a revolutionary change in this society. Ultimately, each group must make its own decisions on this issue; suggestions for dealing with conflict around it may be found below in the section, "Dealing with Internal Struggle."

## Political Organizing

Campus gay groups can provide the base for effective political organizing on their campus, as well as in their community. The politics of organizing gay people is different from other kinds of organizing in that it can become a "political act" just for gay people to speak out openly about their life style. Since a major part of gay oppression has been the act of isolation and the curtain of silence which has prevented the very mention of the existence of gay people, an important first step in organizing is publicity. Bob Roth states it simply: "There is a direct correlation between the amount of publicity, especially news coverage, that an organization receives and the number of members that the group attracts."[15] When the Board of Regents denied the University of Maryland group, then called the Student Homophile Association, funds which had already been allocated by the student government, the issue became a *cause celebre* on the campus. As a result, attendance at the group's Friday evening gay coffeehouse spurted to 80-100 from the 25-30 of the previous semester.

The Maryland case provides an illustration of another principle of successful gay organizing: Build alliances with other groups which have common interests. In this case, the alliance was with the student government, which was perhaps more concerned about the Board of Regents' overriding their allocation of student funds than they were about gay rights. Nevertheless, an alliance was forged. Madison Jones, then student body president, provided support in a court case which was ultimately successful; he went so far as to appear before the Maryland Board of Regents to argue the gay students' case wearing a dress!

The Maryland case was provoked by the University, not by the gay group. Nevertheless, groups do not have to wait for an attack from the administration in order to act. They can take the initiative themselves. The following are a set of demands for affirmative action (somewhat abridged) made by the Columbus Gay Activists Alliance to the Ohio State University Centennial Commission on the Future at a public hearing March 8, 1972. Any one of them could provide the basis for a political action by a college organization given the proper conditions. Since situations vary from campus to campus, not all of these suggestions may be universally applicable:

> Affirmative action on the part of the university is an immediate necessity. In order to eliminate the oppression of homosexual men and women, and to encompass the establishment of their vocational, social, and educational equality in the University community, we, the members of the Gay Activists Alliance, strongly recommend that the following proposals be included in the university's blueprint for the future:
>
> 1. That an academic unit be established which would be devoted exclusively to the study of homosexuals and homosexuality. . .
>
> 2. That the study of homosexuality be removed from courses in such fields as psychology, sociology, and health education, which treat homosexuality as a psychopathology or deviance. . .
>
> 3. That all clauses in university employment policy statements which prohibit discrimination on the basis of race, religion, color, national origin, or sex, be revised to prohibit also discrimination on the basis of sexual orientation.

4. That the university add in its wording of Section VIII of the Code of Student Rights and Responsibilities a statement that housing be available to students without regard to sexual orientation.

5. That the university establish a floor in each residence hall for homosexual students or establish a homosexual residence hall. . .

6. That there be an immediate end to all harassment of homosexuals by the Campus Police Department as well as entrapment procedures practiced by the campus police. . .

7. That the University Counseling Center hire at least two women and two men to serve as counselors whose primary duties would be to provide psychological counseling to homosexual students; and that these counselors be themselves homosexuals. . .

8. That the medical staff engaged in serving students at the University Hospitals or the University Health Service undergo training to enable them both to deal with the special medical problems of homosexuals and to avoid displaying a moralistic, prejudiced attitude toward their homosexual patients.

9. That a campus center be established for the use of homosexual students, staff, and faculty. . .

10. Finally, that a committee be established to study how these proposals might best be instituted, and to investigate any other areas of concern to the homosexual community.[16]

**Dynamics of a Group**

Almost any voluntarily formed group of human beings goes through a process analagous to the life of a living creature – creation; the initial weeks, when its life is very vulnerable; the crises of growth, when mature relationships develop between its members; the joys and struggles of the mature group; the eventual hardening of purpose and action; finally, the death of the organization that comes when its purpose no longer meets the needs of its members. In the last four years many gay groups have formed and died, living a short life; at least as many have survived and thrived. It's important that gay people begin to be able to develop the skills which allow them to form groups to meet their needs as gay people, to struggle and learn together with other gay people through crises, and to use a group to begin to build a world where gay people can be truly free.

This section offers a few suggestions on how to deal with the kinds of hassles which have been met and surmounted by some gay groups. It is presented with the hope that it may be of help to others who meet similar problems.

The kinds of difficulties that are faced by a gay organization on a college campus seem to fall into one of two categories: (1) Problems which originate primarily *outside* of the group. These would include the denial of rights by a college or university to a group which are freely granted to other groups, or the harassment or persecution of group members or those associated with the group, like a faculty adviser. (2) Struggles which occur *within* the organization over purpose, strategies, tactics, or group composition.

**Dealing with External Problems**

Perhaps the most common externally generated problem a gay group can face is denial of official recognition by a university administration. The National Gay Student Center is aware of at least fifteen cases where groups have been denied such recognition; there are undoubtedly many more of which they are not aware. This form of oppression usually prohibits the group from using university facilities, from gaining access to student body funds, and sometimes from getting space in the college's newspaper.

Recent court decisions indicate that it is not constitutional to prohibit a student group from gaining official university recognition if it follows the proper procedures set down in the university's rules.[17] This is not a point which some schools are willing to concede yet, however, and although there are several court cases currently in process, none have reached the Supreme Court for a final and binding decision.

If a group is denied recognition, what can it do? As Marty Rogers pointed out above, this can be a truly crucial incident in the group's development. Some groups fall apart at this point. Others find new and unexpected strength. One approach is not to fight and to continue to meet off-campus. This may be necessary where the group is small and weak and lacking the energy to manage a court fight, but it leaves the group in an unmistakable second-class status. Another attempt to avoid a direct battle has been carried out by a group at the University of Kentucky. Warren Blumenfeld wrote of this in a recent issue of *interCHANGE*. The Kentucky gay students, he said:

> . . .have attempted to integrate themselves as a caucus of an existing recognized campus group; in this instance the other group was the campus chapter of the People's Party. If this move could be successful, the gay people would have access to campus facilities and other privileges of a recognized group. Unfortunately, however, the dean of students challenged this procedure by claiming that it is in violation of the People's Party Constitution. As a counter move, the People's Party has submitted an amended version of their constitution which will allow any group of five or more persons the right to form a caucus and elect a representative to the party's steering committee.[18]

Whether this tactic will work is as yet uncertain.

If the group chooses to fight a college administration on the issue of recognition, then it must marshall all its internal resources and as much outside support as it can. The legal fight must follow the following route as outlined by Barry Albin, Legal Coordinator of the Lawrence Gay Liberation Front:

> 1. If the authority which denied recognition was a student committee, a faculty committee, a joint committee, or any secondary agency, the organization must appeal to a higher administrative authority, thence onward to the highest such authority. . .
>
> 2. In order to exhaust administrative remedies, an organization must present a claim to every level of administration. This implies that normally a group must appeal to the Board of Governors, the Regents, etc. . . .

3. The Federal District Court or State Trials Courts. The decision as to which court to go to should be made on a case by case basis. . .

4. The Appeals Court. If the group should lose at the first (court) level, an appeal should be taken on all constitutional issues. . .

5. The Supreme Court.[19]

Albion, who has advised his group about their recognition fight for the last two years, gives the following suggestions for such battles:

> If the gay group has to appeal, they will have to have an attorney. Many large universities have law schools. If your university does have such a facility carefully select a willing, capable, and pro-gay law student in his second or third year to carry on the appeal (at the university level). He can adequately frame the issues that any administrative tribunal must deal with. A small stipend will be appropriate, but please be aware that *he is not a lawyer*. In a situation in which there is no law school, simply follow the procedure that is described for court appeals except let the local attorney process the appeal.
>
> If your group is without available funds from the organizational treasury or from patrons in the community, the group may get a local lawyer as our organization did by applying to the local chapter of the American Civil Liberties Union or by writing to the Center for Constitutional Rights in Manhattan, New York, New York. The necessary funds for the filing fee and the bonds may be obtained by holding a benefit in your community, a bingo game, or any other legitimate method. We have raised all our money in this way (about $650). Do not hesitate to approach established gay businessmen for contributions. Simply keep discussions on a business-like level and all will go well.
>
> You will have to pay costs if you lose, and those costs are taxed to you. Other costs along the way will include filing fees, xeroxing fees, service of process fees, appeal bond fees, appeal fees, etc. If you win, be sure to ask for costs plus attorney fees so you can pay your free lawyer for winning. You should recover all your costs if you win.[20]

Another form of harassment gay organizations can face is persecution of their members by a hostile college administration. The Joseph Acanfora case at Pennsylvania State University is a well-publicized recent example. Acanfora had been active in the founding of Homophiles of Penn State (H.O.P.S.), the campus gay group. When he joined with three other students to sue the university to compel it to recognize H.O.P.S., the university contacted the local school district where Acanfora was doing student teaching. University officials pressured the school district to drop him from his teaching assignment.

Here decisive action on the part of the organization prevented the university from isolating one gay student from the others. Suit was immediately brought against the school district, and Acanfora was reinstated within the week. When he returned to the classroom, he was quoted as saying, "I think that everything that has happened and Tuesday's court decision can show the university students and the state college community if someone has the courage to stand up for his rights even in the face of a powerful oppressor they can win." (An account of Acanfora's other legal battles with the university is contained in Walt Senterfitt's article, "The Trials of a Gay Teacher."[21] See also p. 291.)

Again, in cases like this, it is essential to build as broad a base of support as possible. If someone's job is threatened because of their homosexuality, they may be able to gain support from their union and/or their fellow workers. ("After all, if he/she lost his/her job because of their private life, couldn't you be next?") Women's groups may recognize the sexist attitudes which led to the persecution. Student or faculty groups may fear further incursions on their rights by the college administration.

A situation which brought together all of these groups in support of a gay person whose job was threatened took place a year ago at a midwestern university (anonymous to protect the individual involved). A doctor at the university's health center was privately asked to resign after the administration became aware that he had attended meetings of the gay group on campus. He was charged with having performed a homosexual act with a university student. The doctor refused to resign. Before the administrative hearing, a gay man active in the group gained active help from all of the groups mentioned above. At the hearing itself, the doctor's lawyer cleverly related this case of gay oppression to the women and minority members of the committee hearing the case. As a result, the committee voted 5-1 in favor of the defendant. (The case is still unsettled, however.)

Another weapon which can be used against a gay group is silence. The campus paper may simply refuse to print any story about a group's activities. Bob Roth suggests that an organization might start its own paper:

> A newspaper can be printed cheaply and can be distributed to the entire student population by such means as leafletting at registration, or in the student union. If you are willing to carry advertisements, the paper can easily pay for itself. . . Once your paper is established (that is, by the second issue), you will be able to attack the school newspaper for blatant sexism in its coverage (or lack of same) of your organization. Once you start attacking the student paper, you will be amazed how rapidly your coverage will increase. Some groups have received almost one large story every week, and have gotten regular reporters assigned to every meeting. Also, the student radio station is usually very glad to support any group that attacks the student paper, so putting out your own paper will probably increase your coverage on the radio also.[22]

## Dealing with Internal Struggle

Disagreements in gay organizations obviously can occur over almost anything – personality clashes, finances, structure, etc. How can these conflicts be dealt with? As an example of a common situation, let us take one which will occur in almost all gay student groups: Should the organization be a "social" or a "political" group? From this example we might draw some conclusions which could be applicable to other internal struggles which can occur within the group.

Larry Gulian of the Western Michigan Gay Alliance described a typical split within his group on a questionnaire returned to the National Gay Student Center: "Leadership identifies with all oppressed groups; however, rank and file has zero political awareness. We're trying to engender political awareness among members."[23]

Bob Roth claims, "The distinction between political and social organizations is specious. If you do not have both, you probably have neither."[24] Roger's account of the Sacramento group gives a good argument for the necessity of the social component of a group. The political part, although it may not be achieved easily, is equally important.

For gay people, the mere fact of their organizing themselves together is a political act. Two gay people walking down the street together hand-in-hand, or a group holding a gay dance on campus can arouse a public outcry. For any organization to continue to grow and meet its members' needs, it will have to become more politically conscious.

This, however, must be a gradual process. Trying to organize a march on the administration building after the group's organizational meeting is obviously not a recommended step. Consciousness-raising groups or gay studies might be necessary requirements before many of the members can recognize the nature of their oppression and what actions they can carry out to end it. Books and pamphlets might be collected together into a library for members' use. Let the political action come as the group members express it from their own felt needs; it cannot be imposed upon them.

When the time for action comes, the group should accept the political differences which exist within it. In his story of the development of the Sacramento State College Gay Liberation group, Martin Rogers refers to the group's third meeting as being critical in its development. The decision to choose a name for the organization sparked an intense debate. Says Rogers,

> That third meeting signaled the end of the honeymoon. It exploded the we-are-all-brothers-instant-love-and-acceptance aura which had been building. Although one myth had been shattered, the events of that meeting indicated that the group had achieved a more mature level of functioning. . . The acknowledgment of differences (and we are all different) usually follows a commitment – formal or otherwise – to relate, and it initiates a flow of energy and excitement into the interactions. People who do not know how to fight – verbally or physically – are living corpses. Groups where everybody agrees on everything are preparatory schools for 1984.[25]

Rogers said that out of the meeting of his group at which conflict first appeared,

> emerged an ethic which still exists in the group. This was based on the recognition that our sexuality and our being oppressed brought us together, but beyond that we had as much in common as any other group of people who came randomly together. Politically we ran the gamut from conservative fascists to liberal fascists. We realized that in order for us to

> accept each other and to end our oppression, we had to recognize our differences and permit them to exist. If someone chose to be militant, that was his choice. A second person would not try to stop him, and the first would permit his passivity.[26]

Jack Fertig, who is a member of the Gay Students' Union at the University of California at Berkeley, suggests a way in which members of a group who wish to can take collective action which other members may disagree with:

> Last year G.S.U. tried to be political and ended up arguing a lot, but doing nothing. This year we, as an organization, are staying apolitical, but we do provide for smaller groups within G.S.U. working on political activities. Some of us, with women's liberation groups, picketed, harassed, and argued with Norman Mailer as he spoke on campus. . . If a group of people working toward something specific (i.e., the dance-party) need structure in that group they do it. If a group of people suddenly decides to have buttons or leaflets made up, they just go ahead and do it. It's been working beautifully.[27]

In summary, the following principles might be helpful in dealing with internal hassles of a gay student group: (1) Recognize that there will be differences within the group, and use these differences as growthfully as possible. (2) Remember that there are usually merits to both sides of an argument. Things are rarely so black-and-white as they seem in the middle of an emotion-packed argument. (3) Don't let the differences within the group impede group members from actions which they want to carry out. (4) Be patient. No one can change the consciousness of the world (or that of members of their group) overnight.

## Beyond the Campus Group

Because of the nature of the report of which this chapter is a part, our focus has been on gay students and groups on campus. It is important to recognize the limitations of this perspective. One of the lessons learned from the student movements of the last decade is how inexorably intertwined are the institutions of higher education in this country and the other elements of the power structure of this society. Gay students, too, must recognize this fact. To fail to focus attention on the other institutions which affect the life of gay people – those of health and mental health, of religion, of law enforcement and others – is to severely limit the effectiveness of the gay movement.

Gay students are in a unique position to examine themselves and the world they are a part of, to discover the sexist premises contained in the world and internalized in themselves, and to struggle to find new alternatives. They have the time and freedom often lacking for gays who work. They are young enough so that at least some of them may be able to open themselves to change. They have access to the resources of their college or university, if they choose to make use of them.

Gay students must work together as equals with gay sisters and brothers not in school to create alternatives for the whole gay community. They must work to eliminate the job discrimination which keeps so many gays in the closet. They must assist gay people imprisoned in mental hospitals, prisons, and the military to end their oppression. They must help build alternative switchboard and community centers. Only when all gay people are liberated can gay students be truly free from the oppression they face in America's colleges and universities.

## FOOTNOTES

[1] Anonymous, "Letters," *interCHANGE,* No. 3 (January-February, 1973), p. 21.

[2] Martin Rogers, Ph.D., "Critical Incidents in the Evolution of a Gay Liberation Group" (unpublished manuscript), p. 3.

[3] Warren Blumenfeld, "Gays on Campus," *motive,* V. 32, No. 2 (1972), p. 22.

[4] Robert Liebert, M.D., "The Gay Student: A Psychopolitical View," *Change,* (October, 1971), p. 41.

[5] Rogers, pp. 7-8.

[6] Rogers, p. 9.

[7] Rogers, p. 6.

[8] Liebert, p. 41.

[9] "On Our Own: Gay Men in Consciousness-raising Groups," *motive,* V. 32, No. 2 (1972), p. 50.

[10] "On Our Own," p. 50.

[11] "Gay Studies Program Formed," *Advocate,* August 16, 1972.

[12] "Gay Speaker's Bureau," *The Empty Closet* (published by Rochester, N.Y., G.L.F.), (April-May, 1971), pp. 4-5.

[13] *Advocate,* August 16, 1972.

[14] Cindi, Toy, and Jim Gair and Dr. Ralph Blair, "Gay Peer Counseling at Michigan," The Otherwise Monograph Series, No. 9 (1972).

[15] Bob Roth, "Publicity, or Reaching the Student Body," *interCHANGE,* (March-April, 1972), p. 8.

[16] "Gays Challenge Academe," *Columbus Gay Activist* (March 29, 1972), pp. 3-4.

[17] Warren Blumenfeld, "Are You Recognized?" *interCHANGE,* No. 3, (January-February, 1973), p. 18.

[18] Blumenfeld, "Are You Recognized?" p. 17.

[19] Albin, Barry, (unpublished manuscript), pp. 2-4.

[20] Albin, pp. 4-5.

[21] Walt Senterfitt, "The Trials of a Gay Teacher," *interCHANGE,* (January-February, 1973), p. 18.

[22] Roth, p. 8.

[23] Larry Gulian. Response to questionnaire sent by National Gay Student Center.

[24] Roth, p. 8.

[25] Rogers, p. 5.

[26] Rogers, p. 5.

[27] Jack Fertig. Response to questionnaire sent by National Gay Student Center.

# THE GAY STUDENT GROUP: RESOURCES

## Articles of Special Interest to Gay Students

### General:

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**The National Gay Student Center** is an information clearinghouse especially set up to meet the needs of gay students and gay student groups. It attempts to promote communication about developments in the gay movement and gay student groups. It maintains a resource library of books and articles about homosexuality and the gay movement; an up-to-date mailing list of gay groups–student and community; and files of resources of interest to gay groups. It answers inquiries by mail or phone; and attempts, when financially possible, to visit groups which ask for its help. It has published a newsletter, *interCHANGE*, at irregular intervals, and has publications about gay liberation available at low cost (a free list can be sent upon request). Further information can be obtained by writing: National Gay Student Center, David Nichols, RPO 2901, Rutgers University Homophile League, New Brunswick, New Jersey 08903. Phone: 201-932-7886.

**Gay Bibliography**: The following bibliography is compiled by the Task Force on Gay Liberation of American Library Association Social Responsibilities Round Table. For further information write to Ms. Barbara Gittings, P.O. Box 2383, Philadelphia, Pennsylvania 19103. [See also the Third Revision–1974–on pages 124 to 133, which also includes a list of audio-visual materials.]

## SECOND REVISION–JUNE 1972

This carefully compiled non-fiction bibliography emphasizes materials that support a positive view of homosexuals and homosexuality. An asterisk (*) means the item did not appear on previous editions of our bibliography.

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# AFTERTHOUGHT: LESBIANS AS GAYS AND AS WOMEN

Del Martin and Sally Gearhart

*[This is one of three chapters added to the book*
*after the Student Committee asked various groups and individuals*
*to review the first draft and make suggestions for improvement.]*

# AFTERTHOUGHT: LESBIANS AS GAYS AND AS WOMEN

We come late to this publication, with some resignation about being yet another afterthought.

"The Oppression of Gay People" tells us that "Gayness transcends social class, social culture, race, nationality, *sexual gender* and political persuasion," and that the reader should keep this in mind. The word *people* seems thus to have become the plural of the generic term *man* or *homosexual*, as the case may be, for in this article, except for reference to Peggy Burton's case against Cascade Union High School, Lesbian women are subsumed in the phrase *gay people*.

The article, "Literature and Our Gay Minority," devotes a single paragraph to Lesbian literature. *The Well of Loneliness* is cited as "almost mandatory for any teacher who wants to understand her or his Lesbian students." Nothing could be further from the truth. Radclyffe Hall's work is historically significant, but it hardly speaks for the contemporary Lesbian who is seeking to break down sex-role stereotypes within society as well as within her own Lesbian relationships. "Lesbianism in Literature," a chapter in Bettie Wysor's *The Lesbian Myth* (Random House, New York, 1974) provides a parallel to Louis Crompton's chapter in this volume.

"The Gay Student Group" rather obviously makes some attempt to deal with gay women and men, but the article implies that campus gay groups are composed of and serve the needs of both gay women and men. Our experience has been to the contrary. These groups are usually male-dominated and male-oriented, and therefore not likely to meet the particular needs of gay women on campus.

Nowhere in the chapter on "Organizing Women's Studies" do we find even casual mention of Lesbians. The section on "Women and Health" devotes itself exclusively to heterosexual women, though perhaps it may be assumed that Lesbianism is included in "discussions of female sexuality and alternate lifestyles." It is further assumed that all women who have need of child care are heterosexual, though there are many Lesbian mothers seeking higher education.

To us, these are examples of subtle sexism which our colleagues in this publication may not have meant, but which they nonetheless fell victim to. No matter how one may perceive the terms, when we speak of "homosexuals" or "gays," the assumptions are male. When we talk about "women," the assumptions are heterosexual. The Lesbian is considered, if at all, incidental to both.

We therefore found it particularly heartwarming to receive recently a copy of a paper by four women from the University of Houston on "The Helping Professions and Lesbians: Ignorance is Sexist." The authors sent it to us for criticism saying, "None of us is a writer by profession, nor are we gay. We view that as two strikes against us." Their review of the professional literature and current practices they aptly titled "Shared Ignorance."

In spite of the obvious omissions in the manuscript of *We'll Do It Ourselves,* we both thought highly of it, wished to be involved in it, and wanted to see it distributed as quickly as possible. We were gratified, therefore, that the editor held up publication for this addition from the Lesbian perspective. Our contribution is the result of hurried letters, phone calls, and visits to friends and acquaintances on campuses in cities over the nation. We attempted to cover the broad range of public colleges, universities, and junior colleges. We present here our assessment of the constantly-in-flux overall situation of Lesbians and Lesbianism in higher education.

## The Impossibility of a Lesbian Census

The numbers of Lesbians on college and university campuses cannot be estimated. Because Lesbians are not as visible, it is generally assumed–and we believe erroneously–that there are fewer of them than male homosexuals. Actually, hundreds of thousands of Lesbians function in all capacities of college life, but since they usually choose to develop a highly protective coloration they may not be at all discernable. Thus by far the large majority of Lesbians are invisible; it is only a comparatively few who for personal or political reasons choose to come out into the open.

There is no particular way to distinguish a Lesbian from any other woman. Even Lesbians have difficulty in identifying their gay sisters. It is a mistake to assume that all Lesbians are single or that any single woman is a Lesbian. Nor can we assume that all Lesbians are unchildrened. It is false to believe that all Lesbians come in couples or that all women in couples are Lesbians. And it's a fantasy to think that Lesbian partners necessarily engage in "butch-femme" role-playing or that women are Lesbians if they look "butch."

In fact, to the amazement of even the gay community, a large and increasing number of women who function daily in heterosexual marriages are identifying themselves as Lesbians. Many Lesbian mothers, who have separated or are divorced, live with and love their children. While many Lesbians choose to live out long-term monogamous unions—and do so—others seek different forms of relationships, just as do heterosexuals who reject the notion of the nuclear family. Many Lesbians—and many heterosexual women as well—do express their individuality in ways contrary to the patriarchy's concept of a nice middle-class "lady." Women's very struggle is for self-expression and for an understanding of the power roles—particularly of the sex roles—that both gay and "straight" people have suffered under.

It is just as true in higher education as it is elsewhere that the large majority of Lesbians choose to remain quiet about their identity as woman-loving women. They must protect themselves and each other because of job security, reputation, credibility, and career recognition. They usually seek their support elsewhere than on the college campus and share only with a small group of friends their social and/or intellectual need to be with other Lesbians. It is an unspoken understanding on the part of "up front" Lesbians that closeted sisters must and will be protected. While there is more pressure today to "come out" in order to put the lie to the myths and legends about homosexual persons, coming out remains, as it must, an individual decision. Every woman must move when she must, and not until then. That may mean never; but it has to be her own decision, and it must come from the best possible place inside herself. Feminism or Gay Liberation can mean very little if this principle is not operative.

Nevertheless, the number of women identifying as Lesbians grows every day. The women's movement of the 60's and 70's has created the external circumstances which have allowed women to examine and affirm themselves. In the light (and heat) of feminism, the contradiction that is every woman's life is often being discovered to be intolerable. Then, in the external world beyond her isolation, every woman who makes this discovery begins to move toward change. Frequently her journey toward self-affirmation and self-love involves not just the woman that she is but other women as well. Much to the discomfort of a heterosexist society, more and more women are daily discovering their love relations with other women (and with themselves) to have a sexual dimension. By the long-established categoriosclerosis (hardening of the categories) that afflicts the patriarchy, such an extension into sexuality "makes" a woman a Lesbian. The rate of attrition, moreover, in the ranks of Lesbians seems virtually non-existent. Lesbian experience, particularly in conjunction with a feminist consciousness, is a combination that apparently allows for very little turning back, very little abandonment either of Lesbianism or feminism in favor of old and familiar patriarchal values and forms.

Finally, Lesbians are difficult to count because those who are open about themselves usually identify strongly with feminism. They consider their Lesbianism to be a lifestyle and/or a political posture. Thus they are not anxious to be a part of any statistical survey which would define them by their sexual expression alone or which might serve the interests of the established order in separating them from other women.

## Campus Attitudes Toward Lesbians

Attitudes about Lesbians or the subject of Lesbianism vary from campus to campus and according to different regions of the country. There is, of course, no way to catalogue the countless instances of Lesbians who have been pressured out of jobs, or held in a low place on the academic totem pole, or delicately ignored in the hiring or promotion process because of suspicions about their private lives.

For them the old game of "squeeze out" is a familiar one. Their stories may eventually be the material of a consciousness-raising group, but originally they registered in the Lesbian's mind as "my own personal paranoia," or as a rage, a terror, or a pain that could find little expression short of risking commitment to a mental institution.

In recent years the growth of Lesbian faculty and staff toward feminist values has made the reasons behind the "squeezing out" processes less clear. We can no longer be sure whether the hidden motive behind the dismissal of a non-tenured woman is her Lesbianism or her feminism. At a large eastern university three feminists, also fairly open about their Lesbianism, gradually disappeared over a short period of time from the faculty of one department. As usual, no overt connection was made either to their feminism or to their Lesbianism, but only to some detail of qualification, to some "new" or altered requirement that they failed to meet.

On the other hand, Sue Brown, an "admitted heterosexual" and psychology instructor at Aims College in Greeley, Colorado, was dismissed because she invited three members of the Denver Lesbian Center to address her class in "The Psychology of Women." Although the course outline had been approved by her department chairperson, the dean of instruction took exception. Ms. Brown has filed two suits against the college administration—one for $800,000 and the other, filed with the aid of the Colorado Education Association, charging violation of the constitutional right to free speech.

Attempts have also been made to prevent Lesbians from speaking at Arizona State and the University of Nebraska. The dean at Tempe relented when the American Civil Liberties Union threatened to file an injunction. The action in Nebraska was brought by petition of seventy-five citizens of Lincoln. The hearing took place after the fact. While these citizens did not prevent the speech, they did manage to tie up student funds, the Associated Students having been the sponsor of the week-long Time Out Conference on Human Sexuality.

In institutions where the subject of Lesbianism has been brought into focus, the attitude is largely tolerant. Where courses on Lesbianism have been taught (University of Pennsylvania, San Francisco State University), where the subject is given substantial time within other courses (University of California at Berkeley), or where a large and vocal Lesbian population makes itself known (Sacramento State University), administrations are virtually silent. The most that any administrator has seen fit to utter publicly has been the observation on the part of the president of Sacramento State University that visiting professor Kate Millett's sexuality was her own business, but that if she kept being so vocal about it, he might have to make it his business.

Open, or at least somewhat open, Lesbian feminists are sprinkled over the nation in part-time jobs, occasionally holding down appointments as teachers of women's studies. Though they probably do not flaunt it before administrators or a hiring committee, they make no secret either of their Lesbianism or their feminism. From the point of view of the administration, such women are easily controlled since they are part-time. But in the growing climate of feminism, full-time, tenured, and occasionally full professors sometimes become bolder about their own lifestyle and introduce women's courses. Often they open the way for Lesbian input into their classes. At least one woman professor in America openly lives with her Lesbian lover and brings her as "spouse" to faculty social functions at a small midwestern church college.

Yet, getting the subject of Lesbianism into the curriculum can be a hollow victory. Unless Lesbians themselves are allowed to speak to classes, it is safe to assume that the information perpetuated about them will be the standard outrages found in psychology, education, and sociology literature, i.e., the old "sin-crime-sickness" story. At best the Lesbian will be considered a "deviant." The assumption here is that something is psychologically and/or socially amiss with her sexual or emotional expression. Similarly the counselling on campus of Lesbians is often at best an effort to help the client "live with" her "abnormality." At worst she will be fed the all-she-needs-is-a-good-lay philosophy in an attempt to increase her self-hatred about her love of women, and to help her change and adjust to the "normal" heterosexual world.

**Lesbians in Gay Activities**

Usually the recognition of Lesbians and of Lesbianism—as something more than the distorted and belittled image found in psychology texts—enters the college or university scene by one of two doors: through campus response to gay consciousness or to women's consciousness.

Organized gay groups on campus (made up of women and men, but usually predominantly men) are extra-curricular and seek recognition as campus organizations open to gay people. The part that Lesbians play in these gay organizations seems to depend upon several factors: how many women are in the group, how strongly these women identify with feminism, and how anxious the men are to struggle together with the women for the mutual benefit of them all. A pattern has developed over the nation. First, some form of gay militancy, usually Gay Liberation, is founded on the campus through the efforts of one or two strong women along with those of some strong gay men. Working together against a common outside enemy, perhaps for the group's very existence, builds bonds of respect and solidarity between the women and the men. As the organization grows, however, it seems naturally somehow to attract more men than women. By the sheer weight of their numbers the men begin to take over and re-order priorities according to the majority (male) perspective. Soon the common bond that once united the group becomes frayed and tattered. The "woman question" becomes an issue. A few gay men lean over backwards to accommodate the women or to try to curb what they begin to understand is their own sexism, but a split appears to be inevitable. The women become alienated from their gay brothers and begin to feel themselves more identified with women, even with heterosexual women. If there are enough of them, they may form their own Lesbian group, which will relate to other women's groups on campus. If not, they will very likely affiliate directly with the feminist cause. Both the motives, sexism on the part of the men and their own search for identity, seem to be active in the separation. The gay organization, robbed of its woman energy, may stage an attempt to draw the women back or to increase its appeal to Lesbians, thereby prolonging the agony. Or it may determine to remain a male organization ready and willing to relate to the women's groups when coalitions are possible.

Gay women and men are apt to come together again during Gay Pride Week, an increasingly popular annual event on many campuses. Nationally known gay activists (women and men) are invited to participate and share their experiences in the gay and/or women's liberation movements. Workshops are designed to review and plan actions or strategies that can combat the homophobia that is rampant in all of society's institutions–family, school, church, government, industry.

Gay men have also shown their solidarity with Lesbians in demonstrating specifically around Lesbian causes. Probably the most outstanding example has been the picketing of campus theater productions of *The Killing of Sister George*, a play whose portrayal of Lesbianism is guaranteed to enrage Lesbian feminists and any person aware of the deeper, more genuine realities of Lesbian love and liberation. On at least three campuses Gay Liberation has been in the forefront of the picketing and of the negotiations attendant to such productions. At the University of Nebraska, Iowa State University, and Sonoma State College in California, angry demonstrators, while failing to stop the production of *George*, passed out leaflets and raised the consciousness of theater-goers.

Courses in gay consciousness begin often as a part of a Free University and gradually work their way into the regular curriculum. Gay courses continue to grow in popularity and are attended by both "straight" and gay students. Unless the class is deliberately structured from a feminist point of view or unless the instructor makes a special effort to keep the input balanced between female and male, there usually occurs a gradual sliding of the class into an emphasis on male homosexuality. Instructors are often men. Most of the creditable literature is by and about men. More men than women attend the classes. Culturally, men–even "deviant" men–are more highly valued than women.

In these classes "live" Lesbians at least get a chance to speak from their personal experience. A wide range of reading is suggested, including as much literature on the Lesbian as is available. Further, local and national resources for Lesbians are made clear. The approach to the subject of Lesbianism varies according to the instructor. It may be considered to be a lifestyle, an aspect of human sexuality, a political stance, or any combination of these. Only if it is considered a political stance does it seem to differ significantly from what the instructor is saying about gay men, and then that is dependent upon the instructor's familiarity with and understanding of feminism.

Traditional courses within academia are also responding to the nation's raised consciousness about homosexuality and gay people, although the response is generally small and often token. Usually the first courses to deal with the subject are in departments of psychology and sociology. The topic can be worked into almost any course if the instructor is creative or bold enough. Reportedly this has been done in such widely diverse fields as literature, biology, philosophy, speech, theater, criminology, religion, home economics, law, foreign languages, music, art, and even chemistry. The prerequisite seems to be only that the instructor be secure enough or curious enough to give gay people a hearing.

## Lesbians In Women's Activities

The Lesbian has one advantage over her gay brother. She can also gain a forum through the campus women's centers and/or women's organizations springing up everywhere. Usually women's organizations attempt to meet the on-campus needs of women, but they also often serve as a link with resources that exist in the community beyond the campus. The traditional split between campus and community that has characterized higher education for so long is not yet visible within the women's movement. The more open women on campus are to the needs of all women, and to alternative forms of the institutions, and the more autonomous and student-run the campus centers are, the more likely these centers are to establish and maintain contact with community groups. In a surprising number of cases, campus and community women have been able to combat the tendency of academia to remain isolated in its ivory tower. In some situations the projects and personnel are so interwoven that the line between community and campus resources is not clear. Lesbians, along with other women, benefit from this intercommunication.

The needs and interests of Lesbians operate most commonly within the women's movement on campus. Lesbians working together with heterosexual sisters may or may not be open about themselves. If they are open and if there are significant numbers of Lesbians involved, then at some point the struggle around their differences must take place. The results of such struggles vary depending upon the circumstances and upon the women involved. Yet in spite of differences in lifestyle and/or politics, it is the case that women's centers on campus after campus continue to express themselves through both Lesbian and heterosexual women who work there together.

Campus women's centers are the best bet for Lesbians who are looking for resources. There some of the regularly scheduled rap groups are especially designated as Lesbian groups. Some women's centers establish emergency hot lines for Lesbians, special nights for discussions on Lesbianism, and libraries which include affirmative information and bibliographies on Lesbianism. Women's dances, once an exclusively Lesbian activity, become more and more common, providing freedom and enjoyment for all women. Referrals are available for counselling (by and for Lesbians), legal services, finances, health, housing, and child care. It may be well to note here that two off-campus groups make a point of keeping up-to-date referrals for Lesbians across the country. They are: Daughters of Bilitis, 1005 Market St., Room 402, San Francisco, CA 94103; and Lesbian Resource Center, 710 W. 22nd St., Minneapolis, MN 55405. A more specialized group is the Lesbian Mothers Union, c/o Ly Mar Associates, 330 Ellis St., Room 401, San Francisco, CA 94102.

It would be a fiction to imply that once out from under the oppressiveness of sexist gay brothers and in the arms of their sisters all goes well with Lesbians, or that the glow of sisterhood heals all cuts and abrasions. The Lesbian is frequently far from "at home" in the women's movement. It is true that, as a rule, she is more comfortable with "straight" sisters than with gay brothers, but the differences between her and "straight" women are real and the struggles are hard. Consequently there sometimes develops on campus a Lesbian separatist group.

Separatist in this case means not only separate from emotional, economic, intellectual, and social investment in men, but separate as well from women whose energy goes to men, i.e., from heterosexual women. The considerations that separatist Lesbians call for surround: the heterosexual privilege that "straight" and bisexual sisters enjoy. the rip-off of energy by heterosexual women who get their energy from women and then take it home to the man, and the need on the part of Lesbians to build their own common ground of identity. The circumstances of Lesbian separatist groups, like those of any group, vary with time and with changes in ideological analyses of the individual women.

Just as she does with gay studies, the Lesbian has some secondary input into women's studies. Occasionally whole courses have been devoted to the Lesbian, though to date they have proven temporary. One Free University seminar, offered for the first time on the Davis campus of the University of California, was called "Women's Studies: the Gay Alternative, an in-depth exploration of the personal, social, and political implications of the gay lifestyle." The response was interesting. *One* woman showed up at the first meeting held on campus, but the instructor received thirty-five phone calls through the Free U Switchboard from women who wanted to come to the group, "but not publically." Further meetings held privately off the campus drew a totally heterogeneous group, from faculty to frosh, whose sole focus was on their sense of isolation.

Lesbianism is included more often under the rubric of "female sexuality" or "alternative lifestyles," than as any essential or fundamental perspective or experience of woman-ness. Too often it is viewed more as one of the hundreds of questions raised by the women's movement. It is one of the "things we must talk about if we are good feminists" or, worse, it is one of the problems faced by the movement: "What can we do about__________?" (Fill in the blank with "child care," "abortion," "job discrimination," "Lesbianism," etc.) Like the issues of race, class and age, we are more often ignored than integrated, more often allowed token recognition than taken seriously as an essential expression of woman-experience. In the vast range of women's courses now exploding on the college scene, there still seems very little awareness of who Lesbians are, of what their needs are, or of how such consciousness could be developed.

**Future Possibilities**

The small changes already coming about in the Lesbian's campus situation are only a beginning. The future course for each individual institution will vary according to its location, the number of Lesbians there in all capacities and their consciousness, the experiences and attitudes of administrators, faculty, staff, and students, specifically of gay groups, and the strategies adopted by the Lesbians and/or heterosexual women working together on campus.

These variables could yield three possible states of affairs. First and least likely, the growth and challenge of Lesbianism—together with gay and/or women's activities—could precipitate an all-out return to "health," "adjustment," and "normalcy," through a campus-wide purge of off-beat groups. Older gay people can recall the terror and paranoia of such administrative moves by academia in the past. But while it is a clear possibility, such a backlash would require a repressive atmosphere of incredible dimension. Hopefully, gay consciousness has reached too far and the challenges to the entire political and economic system have been too plainly understood by too many people for such an atmosphere to be generated.

Or, an atmosphere could evolve in which academia would take seriously its historically hollow commitment to intellectual leadership, humanistic values, and societal transformation. This is certainly a fantasy, for it would entail a complete revamping of academia itself into an unrecognizable structure. The theory and practice of education and the assumptions that underlie them would be overturned, the role of "teacher" redefined, the hierarchical "top-down" power-flow thrown into reverse gear, and the processes of decision-making completely overhauled. Instead of bringing knowledge to the city or community in which it is located, the university might sit at the feet of that city or that community–at the feet of the "masses" who make it up–and learn from it, on the community's own terms. The college or university might redeem the sins of "professionalism" and confess to the travesty that limits knowledge to an easily bought academic degree.

Such a metamorphosis in an academic institution would mean that the university could then serve as a link between gay people and a middle-America that is as unenlightened about the realities of human sexuality as it is fearful of the implications of deep human relationships. Academia would assume the responsibility and expense of confronting and educating other institutions in our society whose psychological and economic investment preserves unhealthy and dehumanizing attitudes toward women, gay people, ethnic minorities and the very old or the very young.

More realistic than either of the two extremes is the continuation of the present atmosphere: a slow and plodding daily struggle that may or may not –depending upon your level of optimism–result in an alternative close to the ideal one. In the slow and daily struggle we can address ourselves to some specific needs. Depending upon the Lesbian's openness and her politics, she can help fill those needs.

### Minimal Campus Service Needs

1. Specialized counselling should be provided in established campus facilities for women struggling with Lesbian feelings or experiences and for the families of gay people. "Specialized" here means the employment of openly gay counsellors. Declared homosexual women and men can offer an essential dimension to the counselling of closeted or fearful Lesbians that "straights" cannot provide. Based on acknowledged "shared" experience, this kind of counsellor-client relationship can better help Lesbian clients to identify in a positive manner and learn how to live fully, productively and proudly–expecting and gaining respect–within the framework of a predominantly "straight" campus.

In 1973 the San Francisco branch of the Family Service Agency of America set the example for counselling services all over the country by hiring their first gay counsellors. Already caseworkers and counsellors on the staff indicate the richness of the insights that they themselves have gained from the association with their new colleagues, the Lesbian and the gay man.

It is also vital that there be feminist counsellors and feminist input into any campus counselling staff. Feminism is an occupational qualification for every human endeavor that affects people. For the mental health of student clients, both women and men, counselling on campus must embrace the minimum of a feminist perspective: the awareness of sex-role conditioning and of the dehumanizing counsequences of it.

2. There is also a need for campus child care centers to acquaint their staffs with the more and more frequent use of those centers by children whose mothers are Lesbians. Society has traditionally punished its victims simply because they were victims. One argument that is used as a reason to deny a Lesbian mother the custody of her own children is that the children will suffer from the social stigma of rejection and ridicule from their peers. Sensitivity on the part of the staff at child care centers could prevent such situations or allow creative and knowledgeable dealing with such situations should they occur. Rap sessions between staff and Lesbian mothers should be arranged to alleviate anxieties on both sides. It would be far healthier for all concerned if Lesbian mothers and their children could feel free to be open about their family situation, and at the same time be assured of support and understanding. We cannot afford child care centers which cling to the antiquated notion that a family requires a mommy and a daddy, when in fact the strong trend–evidenced by a population that goes far beyond gay people–is away from the nuclear family.

### Minimal Requirements of Academia Itself

1. It is time that academia addressed itself to the subject of human sexuality. For years "Dear Abby" and Ann Landers have been referring individuals with sexual problems to their family doctor or clergyman, two of the "helping" professions least likely to be able to deal with such problems. Only recently have studies in human sexuality been included in the curriculum of medical schools where previously only anatomy, the reproductive process and genital diseases were studied in connection with sexuality.

New courses on human sexuality have been introduced recently in the medical schools of the University of Minnesota and the University of California at San Francisco. The methodology and materials for these particular courses were developed by the National Sex Forum in San Francisco, which has pioneered the field of sex education for adults. New York University now offers a graduate health education program leading to master's and doctoral degrees in "Human Sexuality, Marriage and Family Life Education." The nursing profession, too, is becoming aware of its needs for sex education. But such courses, while necessary to the professions, must not be limited to them. So long as debates and furor surround the placing of sex education at lower school levels, the need for adult sex education (including homosexuality, self-sexuality, bisexuality *and* heterosexuality) is therefore mandatory across the board.

By the standards of highly respected sex educators and researchers, the Lesbian is not the "deviant" that the church and the law would have us believe. She is simply one point among many on the wide spectrum of human sexuality. Lesbians need to know this. It is the responsibility of academia to tell them, and to tell itself.

2. Academia must overcome its resistance to research when that research is conducted by qualified persons from the subject population: Lesbians researching Lesbianism, or women researching women. The medical and other "helping" professions have persisted in denying that such persons can be objective, insisting that only those removed from the subject population can be unbiased–as if pure objectivity were a possibility for any scientist, and as if they as heterosexuals would accept only the "unbiased" research on heterosexuality that was done by "objective" homosexuals.

Further, Lesbians–and heterosexual women as well–from their own knowledge of themselves are no longer willing to be subjects for male researchers who filter data through their male-conceived notions of who women are. We cannot afford any longer to take that risk, at least not until there is demonstrable evidence of a change in American male consciousness.

Traditionally the victim group is only further victimized in the name of "objective" research. Yet subjective knowledge, even in the pursuit of objectivity, cannot be discounted as easily as it has been in the past. Those who have experienced the problems have a body of knowledge that would at least enable them to ask the right questions and to interpret the data in a more relevant and meaningful way than previously allowed.

Most research energy has inquired into causes of Lesbianism and homosexuality. What strikes us as more pertinent is the examination of the society's inability to accept the wide spectrum of human sexuality in all of its diversity, a spectrum for which there is overwhelming, but suppressed, statistical and authoritative evidence. Perhaps the question is not so much what causes homosexuality, since it has existed throughout recorded history, but what causes *homophobia,* or fear of homosexuality. There indeed, in the study of homophobia, heterosexuals would be more qualified researchers than gay people, since they are the first-hand experiencers of homophobia. Research on homosexuality itself, however, requires that gay people serve not just as the guinea pigs to be studied, but as researchers who by their own experience are the most qualified.

3. Once the research is in and the information compiled, it is incumbent upon academia to dispense and publicize that information. All too often research which could materially effect social change is filed away to catch dust in the university archives. At best it is published in incomprehensible jargon for elite professional journals. The pursuit of knowledge is meaningless unless it is shared outside the confines of academia and unless appropriate action follows to bring about change.

Academia has been a bottleneck in the flow of information from research to the public. An example is the oppression of gay people, where reputable and affirming research is available but virtually kept secret. The public has been fed a titillating but unhealthy diet of highly questionable speculation by such popular writers as the doctors Irving Bieber, Charles Socarides and David Reuben. But the findings of such researchers as Dr. Evelyn Hooker, the Kinsey Institute for Sex Research and Dr. David H. Rosen (*Lesbianism: A Study of Female Homosexuality,* Charles C. Thomas, Publisher, Springfield, Illinois, 1974) have not been popularized in the media and thus are comparatively unknown to the general public. The latest information must be made available–in terms the public understands–through books, films, tapes, speakers, panels, symposia, workshops, resource centers *and the media.* The myths about gay people die hard. Only by continued re-education of the general public can the superstitions be replaced with the enlightenment now increasing within the halls of higher learning.

## How Lesbians Take Action

All our lives we have been assumed to be heterosexuals, but we are not. Our gay brothers have assumed that we are homosexuals, but they cannot fully identify with us nor we with them. We are struggling for our own identity, not just as women, for we cannot wholly identify with our heterosexual sisters either. We are Lesbians, and that is a fundamental way of being in the world. It does not attach itself as a qualifier or as an afterthought to the terms "homosexual" or "woman." It is an identity in and of itself. It is that identity that we would like to have *assumed.*

We want to be an assumption.

We want the language and behavior of every person to bespeak a consciousness about and an affirmation of Lesbians' existence as Lesbians.

For open Lesbians who want to see the campus atmosphere change and who are willing to work with groups other than Lesbians or women, this means several things. It means possible actions with minority groups. It means most obviously working with gay men in efforts that benefit all gay people. It means that wherever someone is going to presume "homosexual" to mean men, Lesbians must be there to disprove that presumption. It means that whenever the media or the public might presume that "woman" means heterosexual, Lesbians must be there to disprove that presumption, too.

To get where we want to be we will need to accept a kind of tokenizing. Though no woman should ever have to do the job alone it just may be that we will have to be that single Lesbian on a panel of homosexual men. We will have to be that single Lesbian representing an alternate lifestyle on a women's panel. At least that is the first step toward recognition, however much of a freak it makes us seem to be.

For Lesbians who are closeted, to become an assumption means that they must begin to take advantage of the wedge into consciousness provided by their open sisters. They can do this in many cases with comparative little risk to their own careers simply by assuming a civil or human rights posture. If they are faculty, whatever their field, they can provide for representation of the Lesbian perspective within their courses. Often where faculty Lesbians themselves cannot or will not insist upon the inclusion of the Lesbian perspective in classes, students *must* do so. What is called "pressure" from students for awareness of Lesbianism may actually be "support" to Lesbians on the faculty. Closeted women can then respond, perhaps with an air of reluctance, to that heavy student "pressure." Closeted sisters not on the faculty can affiliate with the women's movement and support their Lesbian sisters through the feminist concept that all kinds of women need support.

Lesbians who are "up front" about their identity understand the pressures on their closeted sisters, although it is hard to understand their reluctance to act in behalf of themselves and of their open sisters when their own protection is not threatened. To speak openly on a faculty committee for a course in Lesbianism is not to say "I am a Lesbian." To sign a petition for a Lesbian Resource Center on campus is not even to imply "Guess what?" To request the bookstore or library to stock and display Lesbian publications is not to say the indicting words. To do these things is simply to say "I am a human being and I can be concerned and even angry about injustice, wherever it is found." Up-front Lesbians on campus are constantly creating new opportunities for the education of the public about Lesbianism. If closet sisters cannot directly take part, they can support those efforts with whatever time, energy, influence, and/or money they can afford.

Because heterosexual women are daily associated with their Lesbian sisters in the tasks or activities of women's groups, they begin to regard Lesbians as human beings. Lesbians begin to shake off their identity as "an aspect of human sexuality" or "an alternative lifestyle" and are understood as real women–alive and strong and energetic and caring and, as well, pressing for recognition of their whole existence. "Lesbianism" stops being difficult to say. Women begin to take the word home and into themselves for exploration. It's then a word often spoken in rap groups and in struggles over the principles and activities of many a campus women's center. Because Lesbianism is a personal as well as a political statement, women's whole lives begin to be affected by the questions that Lesbianism asks.

The integration of Lesbian consciousness on the part of heterosexual women moves with greater or lesser speed, depending upon the number of Lesbians on the campus, upon their commitment to each other, to other women and to Lesbian politics.

If Lesbianism is more than the titillating orgy of female eroticism that the patriarchy has made of it, if being a Lesbian does change fundamentally the way a woman looks at the world, then it is indeed a political stance. Its place in feminist activity and ideology cannot be disputed.

We will know that Lesbian consciousness is becoming a reality on the campus at large–that we are becoming an assumption and not just an afterthought–when we note some pretty irregular symptoms. When a teacher of sexuality has to say "in a heterosexual relationship" as often as she says "in a Lesbian relationship." When the health center ceases to ask, "What kind of birth control do you use?" When teachers in education speak of "heterosexual teenage attachments" as frequently as of "homosexual ones." When psychology-history-sociology-anthropology instructors refer to "partners" or "two people" instead of "man and wife." When teachers of literature make as much a point of mentioning the heterosexuality of an author or a character as they do over one's homosexuality. When faculty women's club teas invite "your friend" or "your lover" or "your spouse" instead of "your husband."

Mary Daly, at Stanford's International Women's Day, 1974, suggested that the task of women is to be "at home on the road," that having forsaken patriarchal values and having not yet achieved new ones, we have no resting place. We are constantly in motion, constantly travelling. For the Lesbian the road is even lonelier than for her heterosexual sisters, since her travelling companions are more limited. Her gay men associates seem too unwilling–and, as men, perhaps unable–to forsake their privileged firesides to face the ordeals of the journey to feminism. And somehow, keeping in step with heterosexual women doesn't seem to work. It's as if the Lesbian does indeed move to the sound of a different drummer, to another–perhaps deeper and, as yet, less popular–rhythm.

# THE ACANFORA CASE

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**Editor's Comment:**

*The decision of Judge Joseph H. Young in the Acanfora case, delivered in Maryland District Court on May 3, 1973, is the most significant legal ruling to date on the rights of homosexual teachers. [See p. 315 for Appeals decision.]*

*Though Judge Young refused to reinstate Acanfora in the classroom, his judgment is nevertheless a bill of rights for gay teachers. For instance, Young holds that homosexuals may not arbitrarily be deprived of teaching duties without a hearing; that homosexuality is a "suspect" category as a basis for discrimination (i.e., that it is not per se related to ability to perform a job, and that raising the issue places the onus on the employer to show that he is not using an improper criterion); and that it is unconstitutional to deny a job to a homosexual if he confidentially identifies himself to his prospective employer as gay.*

*However, Young held in this case that Acanfora forfeited his right to teach by appearing on television. Such appearances, he argued, would promote fear in the minds of parents and hence interfere with the educational process. Expert testimony, he thinks, indicates that parents' fears that their children may be influenced in the direction of homosexuality by a homosexual teacher are not "illusory." The teacher has a "duty of privacy" and must not discuss his sexuality to any great extent publicly, even in self-defense. [Young ruled that "the very lack of necessity and appropriateness for the public appearances . . . contributes . . . to their inflammatory character, and hence to the likelihood of incitement or production of effects deleterious to the educational process" and that by these appearances Acanfora exceeded "the bounds of reasonable self-defense."]*

*Judge Young's final position seems open to question from a number of points of view. For example, many parents have reacted in fear and anger to desegregation. In these cases, the effects on the educational process have been clearly traumatic. Yet, in these instances courts have supported the rights of blacks, in spite of the "deleterious effects." (Note also that Young does not present evidence of parental fears or adverse effects stemming from them; he merely posits it on the basis of his estimate of popular prejudices.)*

*Most candid readers of the decision would, we think, say that the testimony of the "experts" is inconclusive, or at most evenly balanced. Should* *fundamental constitutional rights be denied simply because some specialist imagines there might possibly be an adverse effect? This in itself assumes homosexuality is bad. And since homosexuality is assumed to be bad because homosexuals are the victims of discrimination in our society, is this not the same as saying we ought to discriminate against homosexuals because they are already discriminated against?*

*The problem, as Young seems to see it, lies not with undoing the prejudices of a bigoted majority, but with eliminating the target of their oppression. (This is tantamount to claiming that no more black children should be allowed to be born in the United States, since they will obviously suffer racist oppression and institutional repression.) The court appears to deny constitutional rights–particularly freedom of speech–to an individual solely because of the "inflammatory" nature of his sexuality.*

**From *Education Daily* (February 12, 1974):**

***HOMOSEXUAL TEACHER SHOULD HAVE SAID SO, APPEALS COURT SAYS*–The 4th U.S. Circuit Court of Appeals Friday ruled that Joseph Acanfora III lost his chance to challenge rules against homosexual teachers when he falsified his employment application.**

**The court said that Acanfora should have noted his position as an officer in an officially-recognized homosexual organization at Penn State University when he filled out his application for a Maryland teaching position. Acanfora "purposely misled school officials so he could circumvent . . . what he considered to be their unfair employment practices," the court said.**

***Mislead and Lose*–Acanfora filed suit last year to challenge his transfer from a Montgomery County junior high school teaching post to an administrative one where he had no contact with pupils. U.S. District Court Judge Joseph Young ruled last June that Acanfora would have been justified in claiming the transfer violated his First and 14th Amendment rights if he hadn't publicized his homosexuality. Judge Young found that even teaching the eighth grade, a publicly-avowed homosexual might present an "incremental danger" to the developing sexual identities of his students, while a teacher practicing homosexuality in private would not (ED, June 7, 1973).**

**Apparently finding other grounds, the appeals court said that "when one undertakes to . . . mislead . . . by false statements, he has no standing to assert that the operations of the government . . . are without constitutional sanction." [See Appeals Court decision beginning on p. 315.]**

# APPENDIX

## THE BUREAU OF NATIONAL AFFAIRS, INC.

**The United States Law Week, Washington, D.C.**

| | | |
|---|---|---|
| **Complete TITLE of Case** | See attached | *Subject*<br>*Date Filed: 5-31-73*<br>*Date Received: 6-7* |
| **Docket Number** | No. 72-1136-Y | |
| **COURT** | UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND. | |
| **Opinion Filed** | Date May 31, 1973 | |
| **JUDGE** | Joseph H. Young | |
| **ATTORNEYS** | **(Names)** | **(Addresses)** |
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| | | **, For Defendant** |

# DECISION BY U.S. DISTRICT COURT OF HOMOSEXUAL TEACHER

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

**JOSEPH ACANFORA, III**
**Plaintiff**
**v.** **CIVIL NO. 72-1136-Y**
**BOARD OF EDUCATION OF**
**MONTGOMERY COUNTY, et al**
**Defendants**

## MEMORANDUM OPINION AND ORDER

In an action brought pursuant to the Civil Rights Act of 1871, 42 U.S.C. §1983 (1970) with jurisdiction founded on 28 U.S.C. §§1343(3), 1343(4), and 1331 (1962, 1966), plaintiff Joseph Acanfora, III, a teacher under contract with the Montgomery County Board of Education, alleges that his transfer on September 26, 1972, from a classroom teaching position to a non-teaching position in the Department of Curriculum and Instruction resulted from the discovery of plaintiff's admitted homosexuality and, as such, violated his constitutional rights.

Defendants include the Board of Education–as well as its President, Vice-President and members individually–the Superintendent of Schools, and the Deputy Superintendent of Schools, all of Montgomery County, Maryland.

Acanfora attended public schools in New Jersey, and, after graduation from high school, entered Penn State University in the autumn of 1968. Having initially pursued studies in meteorology, he switched to an education major in his junior year, inclined more to a profession where he might work with people. Approximately at the same time, in the autumn of 1970, a homophile group was organized on campus, dedicated to ending discrimination against homosexuals and developing understanding of homosexuality. Acanfora, aware of his own homosexuality, joined and became Treasurer. In January, 1971, the group sought official recognition from the University. When the request was approved by the student government but denied by the administration, legal action followed in which Acanfora agreed to participate as a plaintiff, along with three other students. In the spring of 1971, during press interviews relating to the litigation, he stated publicly his homosexuality, and emphasized his belief in the unconstitutionality of the action of the University. While on assignment as a student teacher in the State College Area School District, Acanfora taught for six and one-half weeks before suspension by the Dean of the College of Education in late February, 1972, on the grounds of membership in the homophile organization. Following a new lawsuit, he was reinstated and completed his student teaching assignment, receiving a satisfactory evaluation. Plaintiff alleges he did not discuss homosexuality with students or colleagues, inside or outside the classroom.

In the spring of 1972, Acanfora applied for a teaching position with a number of different school systems, including Montgomery County. Following several interviews, he received an offer to teach eighth-grade earth science at Parkland Junior High School in Montgomery County. The offer was followed by a contract dated July 13, 1972 for the 1972-73 school year. Acanfora intentionally did not disclose his homosexuality during the interviews or in the official application form which provides for disclosure of membership in organizations and extracurricular activities, motivated by a desire to avoid rejection in light of his student-teaching experience in Pennsylvania.

During the spring of 1972, Acanfora also applied for certification to teach in Pennsylvania, a prerequisite to which is a finding of "good moral character." After a hearing at which plaintiff explained the professional relationship necessary between student and teacher, the intention never to discuss or encourage homosexuality, and the belief that homosexuals should gain legal rights and be free from specific hatred and fear, a special six-member panel split evenly and turned the matter over to the Pennsylvania Secretary of Eduation, John Pittenger. Plaintiff's exhibit 4 (PX-4).

On August 29, 1972, plaintiff began teaching at Parkland and initial reports from the resource teacher in science (equivalent to the Chairman of the Department), indicate that his performance was satisfactory. On September 22, 1972, Secretary Pittenger held a news conference in Harrisburg to announce that Acanfora would be certified in Pennsylvania. News reports of the tie-breaker appeared in the New York *Times* and Washington *Post*; and on

September 26, 1972, having learned of the reports and consulted colleagues, Deputy Superintendent Dr. Donald Miedema in the absence of the Superintendent and with no opposition from the Board of Education transferred plaintiff to a non-teaching position, at no loss in salary, pending investigation.

The subsequent investigation can best be described as cursory, including a brief discussion with the psychiatrist for the school system. It is quite clear from the evidence that the essential reason for the transfer was that Acanfora is an admitted homosexual. Moreover, Dr. Miedema stated that the Board of Education would not knowingly hire a homosexual. That Acanfora is the only member of the Department of Curriculum and Instruction lacking more than a baccalaureate degree and several years professional experience is simply corroborative of this policy. The Board has in no way attacked Acanfora's classroom performance, nor has it charged Acanfora with bringing up the subject of homosexuality in the school environment. The evidence is that he is competent and that he did not discuss his private life while at school.

The transfer, in addition to sparking this litigation, necessarily had an impact within the school community. Students and faculty separately petitioned for reinstatement. [Several teachers in the Montgomery County School System called plaintiff to encourage him, but noted that they would refrain, under the circumstances, from associating themselves with him and his cause.]

More significant, as has been the pattern in controversial cases of recent years, plaintiff took his case to the people. He accepted offers, before and after the institution of this lawsuit on November 7, 1972, to discuss his case on a number of local and national television and radio shows, and with several newspapers, including:

1. A 15-minute interview on the Metropolitan Washington television program "Panorama" with Morry Povich, on October 26, 1972.

2. A 45-minute interview on the Metropolitan Washington WWDC radio program "Empathy" on November 1, 1972.

3. An interview on the educational television show "How Do Your Children Grow" on the Public Broadcasting System, the second week of November, 1972.

4. Participation in a 20-minute segment on the Columbia Broadcasting System national news review "60 Minutes" on February 25, 1973.

5. Telephone interviews with The Montgomery County *Sentinel* and The Montgomery County *Tribune*.

Transcripts of the two national television broadcasts are a part of the record. PX-7, 8.

The edition of "How Do Your Children Grow" is unique in that, moderated by psychiatrist Eda Leshan, it deals only peripherally with plaintiff's transfer and this litigation. Designed to educate children and parents in situations similar to that of the Acanfora family, the program gives thoughtful and serious insight into a problem which merits consideration. The segment on "60 Minutes," representative in subject matter of the other media coverage, albeit the most recent, focuses on the circumstances of this particular lawsuit.

In the course of his television exposure, Acanfora stresses again his disinclination to discuss matters of sexuality in the school environment, saying:

> No, I have never brought my private life into the classroom –my sexuality or any other part of my private life into the classroom–or discussed sexuality with any of my students, either here or in Pennsylvania. And so, in fact, I would say I've never even talked to other teachers about it, and there was no way–known in the school system that I was gay until the school system decided to transfer me. . . .
>
> I never went out of my way to say, "Here I am, a homosexual. What are you going to do with me?"
>
> Transcript of "60 Minutes," p. 12.

Neither is Acanfora inclined to hide his homosexuality.

> Many of my friends have asked me why I'm doing this, why I just don't go some place and be a teacher and not let the gayness enter into it at all. But the fact is that I'm gay, just like the fact is that other teachers are straight or heterosexual. But I'm sure a heterosexual teacher isn't going to live his life a complete lie and hide what he is and I have no intentions of doing that either. I have every right to be what I am. I have every right to be a teacher. And I plan on doing both.
>
> *Ibid.*, p. 8.

The defendants declined to participate in media coverage, or to alter the decision to deny plaintiff reinstatement and have refused to renew the 1972-73 contract.

The evidence further establishes that Parkland has an equal representation of sexes on the faculty and that a student in plaintiff's earth science class would be under his tutelage for one fifty-minute period every day out of seven or eight class periods, including homeroom.

To complete the story, plaintiff recently became a member and delegate of the gay caucus of the National Education Association, in anticipation of the upcoming convention. He has attended meetings, but is not active, in the Washington Gay Activists Alliance, which pleaded his cause to the Montgomery County Board of Education. Finally, plaintiff has received his certification to teach in Maryland.

The Court appreciates the substantial expert evidence directed toward the effect of a known homosexual teacher on students in the circumstances of this case. The experts have impressive curricula vitae, which are a part of the record and will not be reproduced in detail here. (It is noteworthy that defendants did not contact their experts until shortly before trial.)

Dr. Reginald Spencer Lourie, a pediatrician and child psychiatrist, Professor of Child Health and Development at George Washington University Medical School and Director of Psychiatry at the Hillcrest Children's Center in Washington, emphasized the importance of the adolescent period as the stage at which a child overcomes the transitional homosexuality typical of the pre-adolescent period. For the population of children with bisexual tendencies, estimated at about 3 per cent, it is a period of decision or choice. Convinced that a known homosexual teacher might serve as a model for such children, Dr. Lourie suggested that the removal of plaintiff would result in freer choice. An awareness that homosexuality may specifically cause mental and emotional problems in a culture which stigmatizes it underlies this assumption, and that of most experts, that prevention of homosexuality is a worthwhile goal. Dr. Lourie relied on his years of clinical and academic experience to support his argument that Acanfora might serve as a model for adolescents. He referred to no data on point, but noted that the theoretical determinants of homosexuality are still substantially a matter of controversy. In the context of social reality, he analogized the removal of Acanfora from the classroom to a vaccination, admitting that one does not know precisely how many subjects are affected.

That there are other determinants of homosexuality and of mental and emotional disturbance, including some kinds of relations between heterosexual teachers and students, does not change the conclusion. Dr. Lourie maintained that one cannot escape the cultural definition of homosexuality as abnormal and the need to give children the utmost opportunity to be essentially normal in this important phase of life.

He narrowed his opinion, however, to known homosexuals who teach at the junior high school level, excluding private homosexuals, and known homosexuals who teach at the elementary or high school level. In other words, homosexuality does not preclude competence.

Dr. Felix P. Heald, Professor of Pediatrics at the University of Maryland Medical School, took essentially the same position for the same reasons. He suggested it would be impossible for the students to separate Acanfora's homosexual identity from his identity as an earth science teacher, and that Acanfora's presence would necessarily give rise, to an undue influence, as would the presence of a heterosexual teacher who makes known facts concerning private life. Dr. Heald, moreover, would draw the line at junior high and high school.

Dr. Stanford B. Friedman, Professor of Pediatrics and Psychiatry at the University of Rochester Medical School, and to assume a similar position at the University of Maryland as Director of the Human Development program, took a sharply different position. Noting the paucity of data on point, he opined that the influence of Acanfora would be marginal in the complex school and home environment of the student, and in addition felt that Acanfora's role as a teacher could realistically be distinguished from his role as a homosexual in terms of model choice. In other words, the real problem for Dr. Friedman is the projection of societal and parental fear on to the teacher. In support of his view, Dr. Friedman alluded to the greater importance of parent-child relationships in the early childhood years, demonstrated by the research of Dr. John Money. He furthermore attributed importance to the idea that any teacher may pose a risk to a particular portion of the student population. For example, a bisexual child might feel threatened by a very masculine heterosexual teacher. As to the model theory, in addition to noting the existence of many other possible models, Dr. Friedman observed that the students might react that Acanfora is a good teacher in spite of his homosexuality because of the strong peer group and social pressure directed against this minority. Given that there is much to be learned about adolescent psychosexuality, he would not single out any one hypothesis as the more likely.

Dr. William R. Stayton, a psychologist, holder of a doctorate in theology, and instructor in Family Psychology at the University of Pennsylvania Medical School, also questioned the conclusion that Acanfora's presence would have a deleterious effect on students. From his experience in counseling persons regarding homosexuality, and given his acceptance of the view that persons are sexually predisposed by the age of five or six, Dr. Stayton adds that Acanfora would have a beneficial effect by serving as a role-model for homosexuals, aiding bisexuals in bringing into the open their problems with the appropriate counselor, and possibly resolving them. In other respects, he echoed in substance the opinion of Dr. Friedman.

Dr. John Money, Professor of Medical Psychology and Associate Professor of Pediatrics at the Johns Hopkins University Medical School, nationally known for his research on the etiology of homosexuality, or "the differentiation and dimorphism of gender identity," took the position that a person's sexual orientation is determined by the age of five or six. Dr. Money documented and explained his research in *Man & Woman, Boy & Girl* (Johns Hopkins University Press, Baltimore and London, 1972) with Anke A. Ehrhardt as co-author. Analogizing the development of sexual identity to a program or relay, Dr. Money traced the "message" from the genes and chromosomes, to the gonads, to the hormonal sections of the gonad cells, to the body and brain, and through the early childhood environment. As in the teaching of a language, each component plays its part. The child-rearing stage serves normally to show the child the importance of identifying with the parent of the same genetic sex and complementing the opposite. Dr. Money's findings are impressive and appear to expand the frontiers of knowledge of the differentiation of gender identity.

Corresponding to these findings is his opinion that, at the eighth grade level, Acanfora is not likely to cause a higher incidence of homosexuality. As to possible psychological consequences to bisexual and homosexual adolescents, Dr. Money began by noting that students already face a wide variety of inputs, including social, parental and peer group taboos on homosexuality. A bisexual may then possibly feel a sense of freedom to disclose his anxiety to a parent or physician and thereby gain the best chance to turn to heterosexuality. In addition, although a homosexual teacher is no more likely than a heterosexual to serve as a model generally, and less likely to be sexually attractive to a homosexual, Acanfora might serve the function of demonstrating to students that a homosexual can meaningfully participate in society. This is obviously constructive for homosexuals and also encourages a more reasonable attitude from heterosexuals.

In discussing the cause of homosexuality in prisons or schools for boys, Dr. Money stressed the importance of distinguishing homosexual behavior as a substitute for normal sexual drives from homosexuality as a gender identity. In concluding an essential predisposition by the age of five, he directed his remarks toward the latter.

He also noted that from 3 to 5 per cent of the adult population is homosexual to varying significant degrees. This appears to be the rough consensus of experts.

Finally, counsel have supplied a copy of the *National Institute of Mental Health Task Force on Homosexuality: Final Report and Background Papers* (1972). Evelyn Hooker's article on *Homosexuality*, written in 1968, expresses the view that a combination of biological, cultural, psychodynamic, structural and situational factors cause and impinge on homosexuality. Professor Edwin M. Schur in his article, *Sociocultural Factors in Homosexual Behavior*, underlines those titled factors. The Task Force also includes an earlier article of Dr. Money, along with a supplement from his latest book. The Task Force recommends a thoughtful reassessment of employment policies, but does not specifically deal with the case of homosexual teachers. There were several dissents to the recommendations generally on the ground that not enough is known about the causes, characteristics and effects of different kinds of homosexual behavior to reach reasoned scientific conclusions.

Upon the above expert evidence, while Dr. Money's research and opinion deserve special recognition, it would be premature to state definitively that Acanfora's presence in the classroom will have no deleterious effect. It is fair to state that factors present in the embryonic and early childhood stages appear to have the greatest impact, but that the book is by no means closed on the possible behavioral and sociocultural impact stressed by Drs. Lourie and Heald and Professor Schur. A finding that sexual orientation is in large part predisposed by age five or six does not preclude an incremental effect of a teacher on a bisexual adolescent. Although speculation has drifted to the numerous possible positive and negative effects different kinds of teachers may have on particular students, the Court cannot ignore the specific danger noted by defendant's experts. The danger does not seem as great or as likely as defendants have assumed, but it is not illusory. In conjunction with the attitudes of parents and interested citizens in the school community, the instruction of an eighth-grade earth science class by a known homosexual poses sensitive problems, both for relationships among students and between students and parents.

## I.

The Superintendent of Schools in each Maryland county may transfer a teacher as the needs of the school system require, pursuant to Article 77, §62 of the Maryland Annotated Code (1969 Replacement Volume). While the informed judgments of educational administrators usually deserve due deference, see *San Antonio School District v. Rodriguez*, 41 U.S.L.W. 4407 (U.S. March 21, 1973), the law does not permit the impairment of constitutionally protected interests. *Perry v. Sindermann*, 408 U.S. 593 (1972), *Pickering v. Board of Education*, 391 U.S. 563 (1968). A state may not condition government employment on the surrender of a constitutional freedom. *Kevishian v. Board of Regents*, 385 U.S. 589 (1967); *Shelton v. Tucker*, 364 U.S. 479 (1960). It is "self-evident" in this Circuit that objections by a Board of Education to the exercise of personal and associational liberty, for example with respect to civil rights activism, would not justify non-removal of a contract so long as the activities do not interfere with the educational process. *Johnson v. Branch*, 364 F.2d 177 (4th Cir. 1966). And it is no defense that the Board merely transferred Acanfora, for the measurement of abridgment of constitutional rights is not confined to dollars and cents. To rule otherwise would facilitate subtle circumvention of the law so carefully developed by the highest court of this land.

## II.

The guarantee of liberty in the Fourteenth Amendment is greater than the sum of particular rights guaranteed in the first eight amendments. The substantive doctrine of due process, advancing this proposition, originated in cases sustaining the individual right to contract and to work against unreasonable state legislation. *Allgever v. Louisiana*, 165 U.S. 578 (1897); *Lochner v. New York*, 198 U.S. 45 (1905); *Adair v. United States*, 208 U.S. 161 (1908); *Coppage v. Kansas*, 236 U.S. 1 (1915); *Adkins v. Children's Hospital*, 261 U.S. 525 (1923); See *Jacobson, Federalism and Property Rights*, 15 N.Y.U.L.Q. Rev. 319 (1938). Opposed to this doctrine is the thought that the Constitution does not dictate any particular economic theory, that courts should not sit as "super legislatures," subjectively deciding on fundamental fairness. This also interrupted, but did not destroy, the growth of the idea that in matters touching personal liberty, the Fourteenth Amendment expresses an integral philosophy of liberal democracy, not simply an amalgam of differentiated clauses. *Meyer v. Nebraska*, 262 U.S. 390 (1923); *Palko v. Connecticut*, 302 U.S. 319 (1938); *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Loving v. Virginia*, 388 U.S. 1 (1967); *Eisenstadt v. Baird*, 405 U.S.

438 (1972); *Roe v. Wade*, 41 U.S.L.W. 4213 (U.S. Jan. 22, 1973). The quest for judicial objectivism, proposed as most nearly attainable by the incorporation of the *particular* language of the first eight amendments by the Fourteenth, proved illusory, for that language itself is subject to varying interpretation. See *Griswold, supra* (Harlan, J., concurring opinion) and cases there discussed. See, for example, *Mapp v. Ohio*, 367 U.S. 643 (1961); *Miranda v. Arizona*, 384 U.S. 436 (1966); *Katz v. United States*, 389 U.S. 347 (1967). While a court must necessarily bear a sense of proportion, with respect to precedent and social mores, a rigidly restrictive theory of interpretation, avoiding the dangers of judicial activism, is open to criticism for abdication of the duty to expound the Constitution.

In this spirit, the Supreme Court has created a sphere of protectable interests, including, but not limited to, the interests specifically designated in the first eight amendments, as "essential to the orderly pursuit of happiness by free men." *Meyer, supra*, 262 U.S., at 399. It is noteworthy that this sphere includes the right to pursue a career, *Meyer, supra;* the right to freely associate for the promotion of political and social ideas, *Wiemann v. Updegraff*, 344 U.S. 183 (1952); *Sweezy v. New Hampshire*, 354 U.S. 234 (1957); *Shelton, supra; Keyishian, supra; Bruns v. Pomerleau*, 319 F.Supp. 58 (D. Md. 1970); the right to procreate, *Skinner v. Oklahoma*, 316 U.S. 535 (1942) (Stone, C.J., concurring opinion); the right to marital privacy and choice, *Griswold, supra; Loving, supra;* and the right to control matters affecting reproduction, regardless of marital status, *Eisenstadt, supra; Roe, supra.* State action impinging on a protectable interest draws especially careful judicial review.

As autonomous and rational beings, individuals are capable of reasoned decisions in pursuit of chosen goals. Given man's imperfect knowledge, full freedom of thought and association is imperative for individual self-development and social progress. So long as the freedoms of others are not affected, a government intended to promote the life, liberty and happiness of its citizens must abstain from interference with individual pursuits, no matter how unorthodox or repulsive to the majority. As social animals, individuals necessarily place importance on friendships and relationships of trust. Hence the development of a right of privacy. *Griswold, Katz, Eisenstadt, Roe, supra.*

> Great concepts like . . . 'liberty' . . . were purposely left to gather meaning from experience. For they relate to the whole domain of social and economic fact, and the statesmen who founded this Nation knew too well that only a stagnant society remains unchanged. *National Mutual Ins. Co. v. Tidewater*

*Transfer Co., Inc.*, 337 U.S. 582 (1948) (Frankfurter, J., dissenting opinion. See *Roe, supra*) (Stewart, J., concurring opinion).

In this context, the time has come today for private, consenting, adult homosexuality to enter the sphere of constitutionally protectable interests. Intolerance of the unconventional halts the growth of liberty.

This case would be different if homosexuals were generically psychotic or suffering from such emotional disturbance as to impair everyday functioning. It is debated whether homosexuality is a sexual character disorder resulting from abnormal development. See *Note, Government-Created Employment Disabilities of the Homosexual,* 82 Harv. L. Rev. 1738, 1743 (1969), (cited hereafter as *Disabilities*); Fishcr, *The Sex Offender Provisions of the New Maryland Criminal Code: Should Private Consenting Homosexual Behavior be Excluded,* 30 Md. L. Rev. 91, 100-02 (1970) (cited hereafter as *Sex Offender Provisions*). It is undisputed, however, that homosexuality *per se* does not preclude successful job performance. See *Norton v. Macy,* 417 F.2d 1161 (D.C. Cir. 1969), *Morrison v. State Board of Education,* 1 Cal.3d 314, 461 P.2d 375 (1969), *In Re Labady,* 326 F. Supp. 924 (S.D.N.Y. 1971), *Disabilities, supra; Sex Offender Provisions, supra.*

This case would likewise be different if homosexuality presented a threat to the survival of the species.

Accordingly, it bears restatement that

> . . . an opinion on a point of conduct, not supported by reasons, can only be one's personal preference, and if the reasons when given are a mere appeal to a similar preference felt by other people, it is still only many people's liking instead of one. J.S. Mill, "On Liberty" 132 (reprinted in *The Six Great Humanistic Essays of John Stuart Mill,* Washington Square Press, New York, 1963).

Two important recent studies reached similar conclusions. The Wolfenden Report, prepared for the British Parliament by the "Committee on Homosexual Offenses and Prostitution" (1957) and enacted into law in 1967, dictates that private adult homosexuality not be a criminal ofense.

> There remains one additional counter argument which we believe to be decisive, namely, the importance which society and the law ought to give to individual freedom of choice and action

> in matters of private morality. Unless a deliberate attempt is to be made by society, acting through the agency of the law, to equate the sphere of crime with that of sin, there must remain a realm of private morality and immorality which is, in brief and crude terms, not the law's business. Wolfenden Report, at 48.

On a broader scale, a study of American penal law undertaken by the American Law Institute suggested exclusion from criminal law of all sexual practices not involving force, adult corruption of minors, or public offense. Absent harm to the secular community, this area is of distinct concern to spiritual authorities, in conformity with the spirit of separation of church and state. See Model Penal Code §207.5(1), Comment (Tent. Draft No. 4, 1955). Illinois and Connecticut were first to adopt this position, followed in substance by New York. See *Sex Offender Provisions, supra,* at 104-05.

The Court is cognizant that numerous states prohibit private, consenting homosexuality. Maryland arguably is among them, prescribing criminal sanctions for sodomy and unnatural or perverted sexual practices Md. Ann. Code Art. 27, §554 (1971 Replacement Volume). It is of greater import, however, that despite the substantial activity, no reported case reveals the enforcement of this law against private homosexuality. See *Sex Offender Provisions, supra,* at 95-97. Such lack of enforcement is not peculiar to Maryland. *Project, the Consenting Adult Homosexual and the Law: An Empirical Study of Enforcement and Administration in Los Angeles County,* 13 U.C.L.A. L. Rev. 643, 688-89 (1966); Ploscowe, *Sex Offenses in the New Penal Law,* 32 Brooklyn L. Rev. 274, 284 (1966). The sweeping invasion of privacy which would necessarily accompany enforcement explains this phenomenon, raising severe questions regarding the inner morality of a law beset by internal contradictions and a lack of congruence between official action and declared rule. See L. Fuller, *The Morality of Law,* 65-70, 81-90, Yale University Press (Rev. Ed. 1969). Assuming further no significant decline in homosexuality since the famous Kinsey report, the law raises additional concern over the impossibility of compliance, contributing to contempt for the legal system. See L. Fuller, *op. cit.,* 70-79. A. Kinsey, W. Pomeroy, and C. Martin, *Sexual Behavior in the Human Male* (1948), *Morrison, supra.*

It is no less true now than when written in 1859 that although society no longer puts heretics and sinners to death, nor does it act so vigorously as to stamp them out, it cannot flatter itself as free from the stain of legal persecution. The *chief* harm in these laws is the perpetuation of social stigma, cramping mental development, cowing reason, and repressing human expression for fear of social disfavor. See J.S. Mill, *op. cit.,* 154-58.

Such are the differences in the nature of human beings that unless there is a corresponding diversity in their modes of life, they neither obtain their fair share of happiness nor grow up to the mental, moral and aesthetic stature of which their nature is capable. *Ibid.* 192. Preservation of the *atmosphere* of freedom in an imperfect world is furthermore essential to the advancement of mankind. *Ibid.* 181. The practical application of these principles is most urgent for those who differ from the prevailing mode, for it is the majority which defines common conceptions and morality.

## III.

Corollary to the proposition that ordered liberty protects private, consenting, adult homosexuality is the notion that discrimination directed at such activity is "suspect" under the Equal Protection clause of the Fourteenth Amendment.

Should the conclusion reached in Section II of this opinion be incorrect, however, it would be necessary to consider independently the application of the law of equal protection.

Speaking for four members of the Court, Mr. Justice Brennan recently announced that sex is a "suspect" classification, arguably joined by Mr. Justice Stewart in a brief concurring opinion. *Frontiero v. Richardson,* 41 U.S.L.W. 4609 (U.S. May 14, 1973). While from this, it does not necessarily follow that sexual preference is similarly "suspect" as a classification, the broad thrust of the opinion of the Court substantially supports extrapolation,

> . . . since sex, like race and national origin, is an immutable characteristic determined solely by the accident of birth, the imposition of special disabilities upon the members of a particular sex because of their sex would seem to violate 'the basic concept of our system that legal burdens should bear some relationship to individual responsibility'. . . . *And what differentiates sex from such nonsuspect statutes as intelligence or physical disability . . . is that the sex characteristic frequently bears no relation to ability to perform or contribute to society.* (Emphasis supplied, citation omitted.) *Frontiero, supra,* 41 U.S.L.W. at 4612.

Assuming, however, that the sense of history relied on by Mr. Justice Brennan to supplement this analysis would not support such an extension of the law, it is appropriate to restate the more usual standard of equal protection, that, at the very least,

> A classification must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object [of the state action], so that all persons similarly circumstanced are treated alike. *Reed v. Reed,* 404 U.S. 71 (1971).

## IV.

The principles basic to liberty are appropriate to the mature, reasoning individual. Society, however, has an interest in protecting children from themselves as they develop their ability to think and act independently in the surrounding culture. For the purpose of education, responsible officials and parents necessarily have considerable discretion.

It is true that state control of education runs a considerable danger of yielding to the dictates of the majority on matters deserving full academic discussion. Thus, the Supreme Court has found it necessary to protect freedom of academic discussion and expression of minority views on numerous occasions in recent years, especially in political matters. *Sweezy, supra; Kevishian, supra; Tinker v. Des Moines Independent School District,* 393 U.S. 503 (1969), *Cohen v. California,* 403 U.S. 15 (1971). On matters beyond the sphere of academic or political expression, the Court indicated that speech would be protected absent a deleterious or disruptive effect on children or the educational process. *Pickering, supra.*

At the first level of analysis, it is entirely clear that if Acanfora's homosexuality had remained undiscovered to the general school community, there could have been no deleterious effect. For example, if Acanfora had admitted confidentially on his application that he is a homosexual, but that he had no intention of publicizing the fact, denial of employment for that reason would be unconstitutional. In this context, the Board of Education's policy of not knowingly employing any homosexuals is objectionable.

At the second level of analysis, the Court must consider the legitimacy of the transfer on September 26, in the context of the subsequent cursory investigation and the failure to provide first an administrative hearing.

A state educational institution must afford a transfer hearing to a teacher whom it has hired under formal contract with the "clearly implied promise" of continued employment in a classroom teaching capacity for the duration of that contract. See *Roth v. Board of Regents,* 408 U.S. 564 (1972), *Connell v. Higginbotham,* 403 U.S. 207, 208 (1971). It must likewise afford a hearing in order that the appellant might refute charges which tend to damage his reputation in the community. *Roth, supra.* While the facts here are undisputed, the implications are open to controversy.

At this time, however, a remand for administrative procedural due process would be pointless, as the substantive rift has widened and the parties have shifted their attention to the plenary hearing in this forum. The prejudgment of the controversy by defendants casts doubt on the prospective fairness of such a procedure. Cf. *Kelly v. Board of Education of the City of Nashville,* 159 F.Supp. 272 (M.D. Tenn. 1958), *Amos Treat & Co. v. Securities and Exchange Commission,* 306 F.2d 260 (D.C. Cir. 1962); see the discussion in *Gibson v. Berryhill,* 41 U.S.L.W. 4576, 4581 (U.S. May 7, 1973).

The doctrine requiring exhaustion of administrative remedies by a plaintiff does not apply to this case. The cognate argument belatedly made by the defendants, that the plaintiff is estopped from raising procedural objections because of his failure to take advantage of an administrative complaint procedure operative for involuntary transfers, is insufficient since the burden under *Roth* is not on the teacher. Moreover, the effectiveness of this procedure is questionable. Defendants never apprised plaintiff of its existence and did not appear to be aware of it until the filing of post trial briefs.

As the matter stood on September 26, 1972, the transfer was occasioned by the fact that Acanfora became a *known* homosexual. The cause of the publicity was, in the immediate sense, independent of plaintiff's speech and action. There is no evidence that during the period of his employment prior to transfer, Acanfora made his homosexuality known to the school community.

While it might be argued that the newspaper reports can be traced ultimately to Acanfora's decision to join the homophile organization at Penn State as first cause, this Court is unwilling to penalize plaintiff for lawful membership in a college student group which led to publicized legal entanglement over certification in Pennsylvania. In other words, a different standard will apply in this case to plaintiff's speech and action after his college graduation and the signing of the contract to teach.

## V.

The analysis must finally stretch to the post-transfer publicity in which plaintiff had a role. If private, consenting adult homosexuality is "protectable," it follows from the First Amendment that public speech, organization and assembly in support of that goal by ordinary citizens is also protectable. This syllogism does not, however, encompass the definition of the boundaries of protectable speech and association of teachers, who hold a special position of trust and responsibility in the educational process.

The exchange of views in the market place of ideas occupies the most brilliant orbit in the constitutional solar system. *New York Times v. Sullivan,* 376 U.S. 254 (1964). Political thought is especially fundamental, and

> . . . may indeed serve its best purpose when it induces a condition of unrest, creates dissatisfaction with things as they are, or even stirs people to anger. *Terminiello v. Chicago,* 337 U.S. 1, 4 (1949).

Nor does freedom of speech stop at the schoolhouse door.

> . . . in our system undifferentiated fear or apprehension of disturbance is not enough to overcome the right of freedom or expression. Any departure from absolute regimentation may cause trouble. Any variation from the majority's opinion may inspire fear. Any word spoken in class, in the lunchroom, or on the campus, that deviates from the views of another person, may start an argument or cause a disturbance. . . . But our Constitution says we must take this risk. *Tinker, supra,* 393 U.S., at 508.

See also *James v. Board of Education,* 461 F.2d 566 (2d Cir. 1972); *Massie v. Henry,* 455 F.2d 779 (4th Cir. 1972); *Cohen, supra.*

With this goes the caveat that,

> . . . the State has interests as an employer in regulating the speech of its employees that differ significantly from those it possesses in connection with regulation of the speech of citizenry in general. *Pickering, supra,* 391 U.S., at 568.

Otherwise stated, the Board of Education has an interest in the regulation of activity detrimental to the educational process. Cf. *Quarterman v. Byrd,* 453 F.2d 54 (4th Cir. 1971).

Indeed, freedom of speech is subject to reasonable regulation as to time, manner and place; and speech which is "inseparable" from action does not enjoy the same degree of protectability.

Thus, the law does not protect "fighting words." *Chaplinsky v. New Hampshire,* 315 U.S. 568 (1942). The law permits reasonable regulation of political and labor demonstrations, *United States v. O'Brien,* 391 U.S. 367 (1968), *Cameron v. Johnson,* 390 U.S. 611 (1968), *Adderley v. Florida,* 385 U.S. 39 (1967), *Cox v. Louisiana,* 379 U.S. 559 (1965), *Giboney v. Empire Storage Co.,* 336 U.S. 490 (1949). See *Thornhill v. Alabama,* 310 U.S. 88 (1941), *Amalgamated Food Employees Local Union 590 v. Logan,* 391 U.S. 308 (1968), *Brandenburg v. Ohio,* 395 U.S. 444 (1969) (Douglas, J., concurring opinion); reasonable control of noise, *Kovacs v. Cooper,* 336 U.S. 77 (1949); and reasonable allocation of the scare resources of public broadcasting. *Red Lion Broadcasting Co. v. Federal Communications Commission,* 395 U.S. 367 (1969).

Ever since Justice Oliver Wendell Holmes' classic illustration of the shout of "fire" in a crowded theater, the courts have struggled with the limits of the First Amendment and/or the boundary between speech and action. See *Schenck v. United States,* 249 U.S. 47 (1919). Despite the apparent lack of connection, it is perhaps noteworthy that the "panic" of the crowded theater in the illustration has some similarity to the reaction of parts of the school community in this case.

The instruction of children carries with it special responsibilities, whether a teacher be heterosexual or homosexual. The conduct of private life necessarily reflects on the life in public. There exists then not only a right of privacy, so strongly urged by the plaintiff, but also a duty of privacy. It is conceded that it would be improper for any teacher to discuss his sex life in the school environment. Plaintiff has taken the position that he has not engaged, and will not engage, in such a discussion. The more difficult question is the limitation on the outside activities of the plaintiff.

An evaluation of Acanfora's public appearances in the context of the educational process must recognize to a degree that homosexuality is *sui generis* in contemporary America. First of all, the subject of homosexuality is peculiarly sensitive and of special concern to the American family. This is not a question of race relations (*Johnson, supra*), of the wearing of armbands (*Tinker, James, supra*), of long hair (*Massie, supra*), or of the allocation of educational funds (*Pickering, supra*). The consensus of the experts and of the Task Force of the National Institute of Mental Health is that prevention of homosexuality is a desirable goal, essentially because of the cultural stigma and repression for which it is the target. Even assuming the antipathy of parents, and of school officials, to be unreasonably intolerant, the Court notes that immediate aggravation of anxiety and conflicts between students, parents, faculty and officials varies directly with the notoriety of this case and detracts from the educational process. Secondly, a difference of expert opinion exists as to the influence of a known homosexual teaching in junior high school on the differentiation of gender identity, especially of bisexuals. Thus, the fear of parents cannot be definitively characterized as "undifferentiated apprehension or fear of disturbance." *Tinker, supra.*

In a series of cases relating to the advocacy of revolution and/or violence by ordinary citizens, the Supreme Court has drawn a boundary in an analogously perplexing area of the law. After first taking the position, in essence, that active advocacy, as opposed to discussion, of violent revolution is subject to criminal sanctions—that the government need not wait until the *putsch* is about to be executed, the plans have been laid, and the signal executed—the court modified its holding to distinguish advocacy of abstract doctrine from advocacy in preparation for future violent action, or exhortation to immediate action. Compare *Dennis v. United States,* 341 U.S. 494 (1951) with *Yates v. United States,* 354 U.S. 298 (1957). The urging must be to do, rather than believe in, before the state may intervene. In *Brandenburg v. Ohio, supra,* the court restated the doctrine in broad language,

> . . . that the constitutional guarantees of free speech and free press do not forbid a state to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action. 395 U.S., at 447.

As a result of the distinguishing obligations which a person assumes upon signing a contract to teach children, the standard must shift to accord with the goals of the educational process. The question becomes whether the speech is likely to incite or produce imminent effects deleterious to the educational process. Such speech is not within the bounds of the "protectable" and the Board of Education is not precluded from taking reasonable action with respect to it.

It is true that freedom of speech may best serve the political process, and political discussion within the educational process, when it induces a condition of unrest, stirs people to anger, or inspires fear. *Terminiello, Johnson, Tinker, supra.* It is likewise true that the promotion of legal rights for homosexuals is a political undertaking. When undertaken publicly by a known homosexual teacher, however, upon the evidence presented in this case, it does not best serve the purposes of sexual adjustment, maturation and student-parent relationships in the educational context. These questions are charged with emotion and of such a delicate and sensitive nature that the injection of controversy tends to breed misunderstanding, alarm and anxiety.

As indicated earlier, mere knowledge that a teacher is homosexual is not sufficient to justify transfer or dismissal. In addition, the homosexual teacher need not become a recluse, nor need he lie about himself. Like any other teacher, he may attend public gatherings and associate with whomever he chooses. But a sense of discretion and self-restraint must guide him to avoid speech or activity likely to spark the added public controversy which detracts from the educational process.

This case does not involve an admission of homosexuality in response to an individual question put to the plaintiff, but rather the repeated, unnecessary, appearances on local and especially national news media. Granted that plaintiff did not *advocate* homosexuality, but concentrated on his opinion of the injustice and discrimination practiced against homosexuals in this country, his appearances nevertheless inevitably sparked additional controversy regarding the subject of homosexuality and the classroom. The point is that to some extent every teacher has to go out of his way to hide his private life, and that a homosexual teacher is not at liberty to ignore or hold in contempt the sensitivity of the subject to the school community. Indeed, it is the very lack of necessity or appropriateness for the public appearances which contributes substantially to their inflammatory character, and hence, to the likelihood of incitement or production of effects deleterious to the educational process.

The plaintiff advances the proposition, not without some grounds, that his public appearances amount to no more than a *defense* of his legal rights against the arbitrary action of the defendants. As indicated earlier, the instantaneous and visceral reaction of the defendants merits no praise. While neither of the two sides may claim a monopoly on the proper exercise of discretion, plaintiff's offense lies in his exceeding the bounds of reasonable self-defense.

It was not reasonably necessary to plaintiff's defense, to try his case to the public. The concept of self-defense sweeps broadly across the common law. Elementary tort and criminal law dictates that one may take reasonable steps to defend his person and property against attack. See *Baltimore Transit Co. v. Faulkner,* 179 Md. 598 (1941), *Maddran v. Mullendore,* 206 Md. 291 *Brown and Shepard v. State,* 6 Md. App. 631 (1969).

The decision to transfer plaintiff without a hearing is, at heart, the functional equivalent of an injury inflicted upon plaintiff's reputation, an implicit allegation that his homosexuality determines unfitness to teach. To defend reputation, one may publish, *in an appropriate manner and to the appropriate parties,* anything which *reasonably appears to be necessary* to respond to the defamation of another, including, of course, consultation of an attorney. See Prosser, *Law of Torts* §115, 786 (4th Ed. 1971). As Professor Prosser carefully indicates, however, the privilege is subject to abuse,

> . . . And this is as it should be. If the communication is made, not at all for the purpose of protecting interests legally cognizable, nor in the performance of a duty which the law encourages, 'the pretense under which it is made, instead of furnishing a defense, will aggravate the case. . . .' *Orrison v. Vance,* 262 Md. 285, 294 (1971), quoting from 1 Harper and James, *The Law of Torts* §5.27, 452 (1956).

The arbitrary transfer of September 26, 1972, without legal justification as matters then stood, did not excuse the plaintiff from exercising discretion in his public life. Nor did the alleged arbitrary action necessarily render "protectable" subsequent speech or conduct which otherwise would not be so protected.

The substance of plaintiff's remarks on "60 Minutes" had an element of sensationalism. Furthermore, the design and function of the programs in which plaintiff participated tended to spark controversy. Quite obviously, the television and radio audience was in no position to give legitimate assistance. Plaintiff's actions were not reasonably necessary for self-defense. Indeed the media appearances were likely to incite or produce imminent effects deleterious to the educational process, and "instead of furnishing a defense, [aggravated] the case."

It is noteworthy that the fault in plaintiff's public appearances does not lie with the possibility of arousing sympathy to the prejudice of a fair trial, but rather with an indifference to the bounds of propriety which of necessity must govern the behavior of any teacher, regardless of sexual tendencies.

Accordingly, despite the initial transgression of the defendants, the Court can not grant plaintiff the relief for which he prays. Plaintiff's public activities as herein described are not "protectable" and the Court cannot at this time characterize the refusal to reinstate plaintiff or renew his contract as arbitrary or capricious under either the First Amendment or the Equal Protection Clause of the Fourteenth Amendment.

Accordingly, it is this 3rd day of May, 1973, by the United States District Court for the District of Maryland,

ORDERED that the injunctive relief requested by the plaintiff be and the same is hereby DENIED.

/s/ Joseph H. Young
United States District Judge

*[Editor's Note: Judge Young's decision was upheld by the Fourth U.S. Circuit Court of Appeals in Richmond, Va., but for reasons quite different from Young's argument (see appeals case decision beginning on next page). Though the original decision held that Acanfora had overstepped his bounds in discussing his gayness on TV, the appeals court rejected that reasoning and ruled that Acanfora's transfer was justified because of his failure to list his membership in a gay campus organization when he filled out his job application.*

***The National Education Association has recently agreed to pay the costs of appealing the case to the U.S. Supreme Court. A petition for certiorari (hearing) was to be filed with the court by May, 1974, according to Acanfora's lawyer, George Cohen. For the case to be heard, at least four of the nine justices would have to agree that the case raises constitutional issues that warrant the high court's consideration.***

*Cohen said the petition to the Supreme Court would raise these questions: Whether the appeals court correctly interpreted Supreme Court rulings on the question, and whether the earlier Supreme Court rulings themselves should be allowed to stand. To hold that an applicant for public employment must answer questions "even though he will be treated unconstitutionally" as a result of his answers is to set up a "totally impractical situation," Cohen said.]*

## UNITED STATES COURT OF APPEALS, FOURTH CIRCUIT

**JOSEPH ACANFORA, III**
**Plaintiff**
**v.** **No. 73-1788**
**BOARD OF EDUCATION OF**
**MONTGOMERY COUNTY, et al**
**Appellees**

**Argued Nov. 6, 1973**

**Decided Feb. 7, 1974**

Action was brought under the Civil Rights Act by a teacher allegedly arbitrarily transferred. The United States District Court for the District of Maryland, Joseph H. Young, J., 359 F.Supp. 843, denied relief, and teacher appealed. The Court of Appeals, Butzner, Circuit Judge, held that teacher's deliberate withholding from his application of information relating to his homosexuality precluded teacher from maintaining suit seeking return to teaching position.

Affirmed.

……

Before CLARK,[*] Associate Justice, BOREMAN, Senior Circuit Judge, and BUTZNER, Circuit Judge.

BUTZNER, Circuit Judge:

Joseph Acanfora III appeals from an order of the district court denying him reinstatement to a teaching position in Montgomery County, Maryland. The district court held that the school officials wrongfully transferred Acanfora to a nonteaching position when they discovered that he was a homosexual, but it denied relief because of Acanfora's subsequent press and television interviews. We hold that Acanfora's public statements were protected by the first amendment. We conclude, however, that he is not entitled to relief because of material omissions in his application for a teaching position. Consequently, without reaching Acanfora's claim that his denial of a teaching position is unconstitutional, we affirm the district court, but on different grounds.

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[*] Supreme Court of the United States, retired, sitting by designation.

## I.

While Acanfora was a junior at Penn State University he joined an organization known as the Homophiles of Penn State, which had as its purpose the development of public understanding about homosexuality. Acanfora not only attended Homophile meetings, but he served as the group's treasurer and joined other members in bringing a lawsuit that established it as an official university organization. His public acknowledgement of homosexuality ultimately led to his suspension from a student teaching assignment, but a state court promptly ordered that he be reinstated. When Acanfora applied for teacher certification, however, Penn State officials differed as to his qualifications and forwarded his application to the Pennsylvania Secretary of Education without recommendation.

In the meantime, Montgomery County school officials, unaware that Acanfora was a homosexual, employed him as a junior high school science teacher. They didn't learn of his homosexuality until several weeks after school opened in the fall, and only then as a result of a widely publicized press conference at which the Pennsylvania Secretary of Education announced favorable action on Acanfora's application for teacher certification in that state. Shortly after this disclosure, the Montgomery County deputy superintendent of schools transferred Acanfora, without reduction in pay, from teaching to administrative work in which he had no contact with pupils. When the school officials did not accede to Acanfora's demands that he be returned to his classroom assignment, he commenced this action.

## II.

Following his transfer to an administrative position, Acanfora granted several press and television interviews. The district court characterized the television programs as tending to spark controversy, and noted an element of sensationalism in Acanfora's remarks. It held that Acanfora's appearances were not reasonably necessary for self-defense, but instead exhibited an indifference to the bounds of propriety governing the behavior of teachers. Consequently, the court, ruling that the refusal to reinstate Acanfora or renew his contract was neither arbitrary nor capricious, dismissed his suit.

(1) The Supreme Court has explained the general principles that govern the intricate balance between the rights of a teacher to speak as a citizen on public issues related to the schools and the importance the state properly attaches to the uninterrupted education of its youth. Balancing these interests, the Court has ruled that a teacher's comments on public issues concerning schools that are neither knowingly false nor made in reckless disregard of the truth afford no ground for dismissal when they do not impair the teacher's performance of his duties or interfere with the operation of the schools. *Pickering v. Board of Education,* 391 U.S. 563, 88 S.Ct. 1731, 20 L.Ed.2d 811 (1968). Cf. *Johnson v. Branch,* 364 F.2d 177 (4th Cir. 1966), cert. denied 385 U.S. 1003, 87 S.Ct. 706, 17 L.Ed.2d 542 (1967). Acanfora's public statements must be judged by these constitutional principles, and not, as the district court suggested, by the common law doctrine of self-defense to defamation.

At the invitation of the Public Broadcasting System, Acanfora appeared with his parents on a program designed to help parents and homosexual children cope with the problems that confront them. Acanfora also consented to other television, radio, and press interviews. The transcripts of the television programs, which the district court found to be typical of all the interviews, disclose that he spoke about the difficulties homosexuals encounter, and, while he did not advocate homosexuality, he sought community acceptance. He also stressed that he had not, and would not, discuss his sexuality with the students.

(2) In short, the record discloses that press, radio, and television commentators considered homosexuality in general, and Acanfora's plight in particular, to be a matter of public interest about which reasonable people could differ, and Acanfora responded to their inquiries in a rational manner. There is no evidence that the interviews disrupted the school, substantially impaired his capacity as a teacher, or gave the school officials reasonable grounds to forecast that these results would flow from what he said. We hold, therefore, that Acanfora's public statements were protected by the first amendment and that they do not justify either the action taken by the school system or the dismissal of his suit. Cf. *Tinker v. Des Moines Independent Sch. Dist.,* 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969); *Pickering v. Board of Educ.,* 391 U.S. 563, 88 S.Ct. 1731, 20 L.Ed.2d 811 (1968); *James v. Board of Educ.,* 461 F.2d 566 (2d Cir.) cert, denied 409 U.S. 1042, 93 S.Ct.

529, 34 L.Ed.2d 491 (1972).

## III.

On his application for a teaching position in the Montgomery County Schools, Acanfora responded to a request for information about his professional, service and fraternal organizations by mentioning only his student membership in the Pennsylvania State Education Association. In response to a request for information about his extracurricular activities, he listed swimming, bowling, student council, magazine and newspaper staffs, honor society, and Naval Reserve Officers Training Corps. He made no mention of his membership and official position in the organization known as the Homophiles of Penn State. Nevertheless, he verified that the information he submitted was accurate to the best of his knowledge.[1] His omission of the Homophiles was not inadvertent. To the contrary, he realized that this information would be significant, but he believed disclosure would foreclose his opportunity to be considered for employment on an equal basis with other applicants.

Acanfora protests that refusal to employ or retain him as a teacher violates the first and fourteenth amendments. He contends that the school system cannot defend on any deficiency in his application because it was his homosexuality, not omissions from the application, that led to the unconstitutional discrimination against him. The school officials admit that if Acanfora had revealed his affiliation with the Homophiles they would not have employed him. They assert, however, that Acanfora's intentional omission of his connection with the Homophiles bars his attack on the constitutionality of the school system's employment policy. In its written opinion, the district court dealt only inferentially with this aspect of the school system's defense. It found that to avoid rejection, Acanfora intentionally did not disclose his homosexuality in his application. It also found that the essential reason for

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[1] The application form for employment in the Montgomery County school system, which Acanfora signed, contained the following paragraph:

"Read Carefully Before Signing:

The information as submitted on this application is accurate to the best of my knowledge, I concur in the above statements and requirements. I understand that falsification of any information submitted on this application shall be cause for dismissal from service. I have signed this application form in the presence of a notary public, whose signature and seal appear below."

Acanfora's transfer was his admitted homosexuality. However, it expressed no conclusion about the effect of Acanfora's misrepresentation, resting its decision instead on his public appearances after he was transferred.

IV.

In a number of criminal cases, the Supreme Court has held that a defendant charged with fraud may not challenge the constitutionality of the statute which required him to furnish the information that he misrepresented. . . .

. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

In *Bryson*, the Court rejected the argument that the misrepresentation was of no consequence because the government could not constitutionally elicit the information:

> But after *Dennis* it cannot be thought that as a general principle of our law a citizen has a privilege to answer fraudulently a question that the Government should not have asked. Our legal system provides methods for challenging the Government's right to ask questions–lying is not one of them. A citizen may decline to answer the question, or answer it honestly, but he cannot with impunity knowingly and willfully answer with a falsehood. 396 U.S. at 72, 90 S.Ct. at 360.

. . . In at least two instances *Rodriguez v. Seamans*, 150 U.S.App.D.C. 1, 463 F.2d 837 (1972) petition for cert. dismissed 409 U.S. 1094, 93 S.Ct. 704, 34 L.Ed.2d 678 (1973) and *Williams v. United States*, 434 F.2d 1346, 1354, 193 Ct.Cl. 440 (1970) (Nicholas, J., concurring), courts have sustained discharges of government employees for furnishing false information pertaining to their qualifications despite the fact that the government's questions were considered to be an unwarranted intrusion into constitutionally protected rights.

Acanfora asserts that the principles governing the foregoing cases do not apply to his situation because the school officials transferred him on account of his homosexuality, not the omission from his application. He relies on the principle that review of administrative action must be confined to the reasons assigned by the administrative agency. See e.g., *Securities and Exchange Com. v. Chenery Corp.*, 332 U.S. 194, 196, 67 S.Ct. 1575, 1760, 91 L.Ed. 1995 (1947); *Johnson v. Branch*, 364 F.2d 177 (4th Cir. 1966) cert.

denied 385 U.S. 1003, 87 S.Ct. 706, 17 L.Ed.2d 542 (1967). This argument fails, however, because it lacks a clear factual basis and because it is predicated on an unduly restrictive application of the principles expressed in *Dennis* and *Bryson*.

Before instituting this action, Acanfora did not exhaust his administrative remedies, and the school officials conducted no formal hearing. The district court, however, declined to tax either party with these procedural lapses. It ruled that a remand for an administrative hearing "would be pointless as the substantive rift has widened and the parties have shifted their attention to a plenary hearing in this forum." Therefore, the district court did not purport simply to review administrative action of the school officials. At the instance of both parties, it conducted an extensive trial on the merits of the case, admitting a great deal of evidence that had not been considered administratively. Under similar circumstances, we have ruled that a remand for an administrative hearing was unnecessary. See e.g., *Horton v. Orange County Board of Educ.*, 464 F.2d 536 (4th Cir. 1972); *Barker v. Hardway*, 399 F.2d 638 (4th Cir. 1968).[2] Accordingly, the consequences of Acanfora's intentional omission of significant information from his application must be determined by examining the entire record of the district court proceedings, not just the administrative file that was compiled before the suit was instituted.

After Montgomery County school officials learned that Acanfora was a homosexual, the deputy superintendent wrote him that he was being transferred to a non-teaching position "while we gather information and assess the circumstances of the matter." At the same time, the school officials realized that Acanfora's application was incomplete because he had failed to include information about his affiliation with the Homophiles. They adverted to this omission during the course of this litigation, and it is apparent that they suspected Acanfora had purposely misled them.[3] However, during the administrative phase of the controversy, before institution of the suit, they had no proof that his act was intentional. Not until Acanfora testified at the trial could the school officials confirm their suspicions that he consciously omitted the Homophiles from his application for a teaching position to avoid rejection.[4]

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[2] We do not, however, approve of the parties' failure to use administrative remedies to resolve their differences. An effective grievance procedure might have eliminated this expensive, protracted litigation.

[3] For example, in an affidavit opposing Acanfora's motion for summary judgment, a school official asserted: "This litigation by reason of plaintiff's false application, is contrived in every sense of the word. He ought not to bootstrap his way into a constitutional issue out of such untruthfulness. Had he been truthful, defendants would not have been involved in this litigation as they would not have hired him in the first place."

(3) It was Acanfora's testimony that furnished the school system a factual basis for the defense of misrepresentation. After Acanfora testified, the superintendent of schools unequivocally assigned the conscious withholding of information as a reason for his unwillingness to reassign Acanfora to a teaching position.[5] We conclude, therefore, that the school system should not include in the administrative file, as a reason for denying Acanfora a teaching position, information about his motives that were known to Acanfora but unknown to the school officials until he testified.

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[4] The deputy superintendent of schools testified:

Q: In other words, would it be fair to say that neither the decision to transfer him nor the decision not to return him to the classroom had anything to do with his competency as a teacher?

A: I think the central issue, by that point in time, and we are talking about late October and November, and so on, was what appeared to us to be the fact that he was an advertised, activist homosexual.

I think there was one other point that I had mentioned earlier. At least I thought I did, that was of concern to us, and that was why Mr. Acanfora had not indicated his membership in the Homophile Society on his application form, and I don't know that I ever really knew the answer to that until in this courtroom yesterday when Mr. Acanfora indicated that he had consciously decided to withhold that information.

Q: Do you recall him further indicating that, in his judgment, had he written Homophile Society of Penn State University down as a social, fraternal or extracurricular activity on his application that in his judgment, that would have ended his opportunity for employment with the Montgomery County school system?

A: Yes, I recall him mentioning that. That was new information to me, also.

[5] The superintendent of schools testified:

Q: Under the circumstances of this matter, as you understand them, would you reinstate Mr. Acanfora at this time?

A: No.

Q: What are your reasons for not doing so?

A: You mean reinstate or reassign?

Q: Reassign to the classroom setting.

A: There are several reasons. Mr. Acanfora did not provide and consciously withheld information on his application which he was required to provide in the employment process. . . .